

# **New Jersey Department of Education Office of Special Education Programs**



## **State Performance Plan December 2, 2005 Submission**

**APPROVED BY THE UNITED STATES DEPARTMENT OF EDUCATION**

**OFFICE OF SPECIAL EDUCATION PROGRAMS**

**MARCH 28, 2006**

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### Part B State Performance Plan (SPP) for 2005-2010

## Overview of the State Performance Plan Development

Description of the Process the New Jersey Department of Education, Office of Special Education Programs (NJOSEP) used to develop the SPP:

<b>Description of how NJOSEP Obtained ‘Broad Input’ from Stakeholders</b>
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### *Invitation to Stakeholders*

An invitation was sent to a broad range of organizations on September 15, 2005, soliciting their participation in each of two meetings that were planned for October 21, 2005 and November 3, 2005, to obtain stakeholder input into the development of the NJSPP. NJOSEP requested the participation from each member of the New Jersey State Special Education Advisory Council (SSEAC) and the immediate past chair of the council and a representative from each of the following:

- Boggs Center, University of Medicine and Dentistry, University Center for Excellence in Developmental Disabilities Education, Research, and Service
- Garden State Coalition of Schools
- ASAH (New Jersey Association of Private Schools for Students with Disabilities)
- New Jersey Association of Pupil Personnel Administrators
- New Jersey Association of School Administrators
- New Jersey Coalition for Inclusive Education
- New Jersey Department of Human Services, Office of Education
- New Jersey Department of Juvenile Justice
- New Jersey Department of Vocational and Rehabilitation Services
- New Jersey Developmental Disabilities Council
- New Jersey Education Association
- New Jersey Principals and Supervisors Association
- New Jersey Protection and Advocacy
- New Jersey School Boards Association
- Statewide Parent Advocacy Network (SPAN)

Follow-up telephone calls were made to organizations that did not respond by October 15<sup>th</sup>, in order to verify receipt of the invitation, discuss the significance of the meetings, and confirm the participation of the agency.

### *Facilitation of Stakeholder Meetings*

Dr. Kristin Reedy, Director of the Northeast Regional Resource Center (NERRC), facilitated both stakeholder meetings. As reflected in the meeting agendas (see below), Dr. Reedy provided a comprehensive introduction to the SPP/APR process and requirements and facilitated the small group activities for setting targets and obtaining input into improvement activities/strategies for selected indicators.

***Indicator Framework and Stakeholder Input***

The following framework was used with regard to target setting:

**Indicators – no target setting required:**

- **Indicators with targets of 100%:** Indicators focused on compliance requirements had a required target of 100%, negating the need for a target setting activity. This included Indicators 12, 15, 16, 17, 18, 19, 20.
- **New Indicators with targets of 100%:** Several of the **New Indicators** were also compliance indicators and would have a target of 100% (Indicator 11, 13 and Indicators 9, 10 [0 difference in 100% of districts]).
- **New Indicators – Targets Set in February 2007 APR:** Targets would be set, with stakeholder input, and reflected in the February 2007 APR for **New Indicator** 8 and the February 2008 APR for New Indicator 7 and 14.

**Indicators – target setting required:**

- NJOSEP staff provided background information, including presentation of trend data and/or the 2003-2004 or 2004-2005 data needed to set a target(s) for a specific indicator. A proposed target and related activities were then presented to the stakeholders and stakeholder responses were recorded and taken into consideration by NJOSEP. This format was applied to Indicators 1, 2, 3, 4 (see indicator for specific details).
- A small group activity was used to obtain input into the targets and improvement activities for Indicators 5, 6, 19 (see indicator for specific details).

***Stakeholder Meeting – October 21, 2005***

**Meeting Participants** - The following organizations and interest groups participated in the first stakeholder meeting held on October 21, 2005.

- 7 members of the SSEAC (including 5 parent representatives)
- New Jersey Developmental Disabilities Council
- New Jersey Principals and Supervisors Association
- New Jersey Protection and Advocacy
- New Jersey Association of School Administrators
- New Jersey Coalition of Inclusive Education
- Garden State Coalition of Schools
- ASAH (New Jersey Association of Private Schools for Students with Disabilities)
- Statewide Parent Advocacy Network
- Boggs Center, University of Medicine and Dentistry

**Meeting Agenda** – The October 21<sup>st</sup> meeting agenda including the following:

- Overview of the SPP by Kristin Reedy, Director of the Northeast Regional Resource Center (NERRC), including a presentation of the history, authority, terminology, process, indicators and targets
- A Presentation of Indicators 7, 14, 15, 16, 17, 18 and 19 by the NJOSEP staff with Stakeholder Response
- A discussion of Indicator 8 including the National Center for Special Education Accountability Monitoring (NCSEAM) Parent Survey by Debra Jennings from the Statewide Parent Advocacy Network
- Stakeholder Input - Target Setting Activity for Indicator 19 – Mediation Agreements facilitated by Kristin Reedy, NERRC
- Discussion of the Agenda for the second stakeholder meeting scheduled for November 3, 2005.

***Background Resources for Stakeholders*** - The stakeholders were provided with the following handouts as background information:

- The Annual Performance Report submitted to United States Department of Education, Office of Special Education Programs (USOSEP) for the reporting period July 2003-June 2004;
- USOSEP response to the NJOSEP APR dated September 8, 2005;
- The instructions for completing the State Performance Plan;
- The Table of Monitoring Priorities and Indicators;
- The Draft of the Part C and B State Monitoring Priorities and Indicators: Related Requirements and Investigative Questions Table;
- A summary of the SPP indicators prepared by Kristin Reedy;
- National Center for Special Education Accountability Monitoring (NCSEAM) Parent Survey

***Stakeholder Meeting November 3, 2005***

The second stakeholder meeting was held on November 3, 2005. The following organizations were represented at the second stakeholder meeting:

- 8 representatives of the SSEAC
- The New Jersey Division of Vocational Rehabilitation Services
- The New Jersey Principals and Supervisors Association
- New Jersey Protection and Advocacy
- New Jersey Association of Superintendents
- Statewide Parent Advocacy Network
- New Jersey School Boards Association
- ASAH (New Jersey Association of Private Schools for the Disabled)
- Boggs Center, University of Medicine and Dentistry
- New Jersey Pupil Personnel Administrations
- Coalition for Inclusive Education
- New Jersey Department of Human Services, Office of Education

- New Jersey Department of Juvenile Justice

The meeting agenda including the following:

- Summary of Previous Stakeholder Meeting, Kristin Reedy, Northeast Regional Resource Center
- Presentation of Indicators 5 and 6, Placement in the LRE by NJOSEP Staff
- Stakeholder Small Group Activity – Target Settings and Strategies/Activities for Indicators 5 and 6
- Presentation of Indicators 1, 2, 3, 4, 9, 10, 11, 12, 13 and 20 with Stakeholder Response
- Discussion of Next Steps including Submission of SPP, USOSEP response and scheduling of future stakeholder meetings

The stakeholders were provided the following handouts as background information:

- A copy of the NJOSEP staff power point presentations for specific indicators including: a discussion of the indicator, measurement, target requirements, relevant data, an outline of improvement activities currently being implemented during the 2005-2006 school year and improvement activities previously planned for subsequent years, including New Jersey State Improvement Grant activities.
- Two papers that provided background information about statistical measures for Indicators # 9 and # 10, Disproportionality. The papers included a National Center for Culturally Responsive Educational Systems' practitioner brief entitled: *Disproportionate Representation of Culturally and Linguistically Diverse Students in Special Education: Measuring the Problem* and the Westat document, *Methods For Assessing Racial/Ethnic Disproportionality In Special Education: A Technical Assistance Guide*.

**Note:** A summary of the background information presented by NJOSEP and summary of stakeholder input will be discussed in the SPP under Overview of State Performance Plan Development for each indicator. In addition, stakeholder suggestions for specific activities that NJOSEP will be implementing are referenced in the Improvement Activities section of the SPP.

### ***Future Opportunities for Stakeholder Input***

NJOSEP staff indicated that improvement plan activities are currently being implemented and several have already been planned for the 2006-2007 school year and beyond. These would be reflected in the SPP. Stakeholders would be provided additional opportunities to discuss current and future improvement activities once NJOSEP receives its response from USOSEP regarding the 2005 SPP, with a projected date of April/May 2006.

<b>Description of how NJOSEP will disseminate the SPP to the public</b>
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### ***State Performance Plan – Public Report***

Consistent with the requirements established in the 2004 Amendments to the Individuals with Disabilities Education Act, NJOSEP shall make New Jersey's performance plan available to the public. Once NJOSEP's State Performance Plan is approved by the USOSEP, the NJOSEP will make the SPP available through the following:

***Public Means, including posting on the Website of the State educational agency:*** The SPP 2005 will be posted on the New Jersey Department of Education's website, once it is approved by USOSEP. In addition, the SPP 2005 will be presented to the New Jersey State Board of Education at a public meeting once it is approved by USOSEP.

***Distribution to the Media:*** The New Jersey Department of Education's Office of Public Information will distribute the SPP 2005, through a press release, once it is approved by USOSEP;

***Distribution through public agencies:*** The New Jersey Department of Education (NJDOE) maintains an extensive database of individuals and organizations involved or concerned with public education in the State, including each school district chief administrator and director of special education and agencies and organizations concerned with special education. New Jersey's SPP will be disseminated to all school districts, agencies, organizations and individuals concerned with special education once it is approved by USOSEP, in accordance with the NJDOE's mass-mailing procedures.

**Indicator #1: Graduation Rates****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 1, Graduation Rates, was discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator # 1 and reviewed the most recent baseline data which is from the 2003-2004 school year.

There was a general discussion of the data and the requirements for graduating with a regular diploma. NJOSEP proposed that the target be set at or near the graduation rate for all students.

**Stakeholder Input:** Meeting participants suggested a further analysis of data to determine which sub-groups of students are not graduating. Stakeholders believed this information would be useful in developing and implementing effective strategies to meet the target.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: FAPE in the LRE**

**Indicator #1: Percent of youth with IEPs graduating from high school with a regular diploma compared to all youth in the State graduating with a regular diploma.**

**Measurement:** Measurement for youth with IEPs should be the same measurement as for all youth.

**Explain calculation:**

***State Level data was used to calculate the baseline for graduation rates.***

Data to determine the rate of graduation for students in general education are collected by dividing the total number of students graduating by the total number of students plus the total number that dropped out (grades 9 through 12) within the four year cohort for the students.

***A similar methodology is used to determine the graduation rate for youth with IEPs.*** Data regarding the number of students with disabilities who graduate are collected annually through New Jersey's End of the Year Report. The data collected through this report are the same data required by the United States Department of Education's Report of Children with Disabilities Exiting Special Education. These data are used to calculate the rate of graduation of students with disabilities. The number of students with disabilities ages 17 - 21 who graduated over a four year period (the most recent school year and the previous three school years) is divided by the same number of students with disabilities ages 17- 21 who graduated over the four years plus the number of students with disabilities ages 14-21 who dropped out over the same four year period.

**Overview of Issue/Description of System or Process:**



**Narrative that describes the conditions youth must meet in order to graduate with a regular diploma and, if different, the conditions that youth with IEPs must meet in order to graduate with a regular diploma. If there is a difference, explain why.**

There is only one State-endorsed high school diploma in New Jersey for all students, including students with disabilities. In order to graduate with a State-endorsed diploma in New Jersey, students must satisfy several requirements. Students must participate in a course of study of not fewer than 110 credits in courses designed to meet all of New Jersey's Core Curriculum Content Standards. State regulations at N.J.A.C. 6A:8-5.1(a)1 delineate minimum required credit totals for language arts, mathematics, science, social studies, health and physical education, visual or performing arts, world languages, technological literacy and career education. Methods for meeting the minimum credit requirement are also set forth at N.J.A.C. 6A:8-5.1.

Local attendance and other locally established requirements must also be met in order to receive a State-endorsed diploma, as well as all statutorily mandated graduation requirements. In addition, students must satisfy the statewide assessment requirements in order to receive a State-endorsed diploma.

State law requires that students with IEPs must meet all of these requirements unless exempted from a specific requirement through the IEP process. In such an instance, the student must satisfy graduation standards through alternate proficiencies as specified in his or her IEP.

**Baseline Data:** In 2003-2004, 90.6% of all students graduated with a State-endorsed diploma. For students with IEPs, the graduation rate was 83.1%.

**Discussion of Baseline Data:** The methodology for calculating the graduation rates is similar. **The methodology for calculating the graduation rates differs in this respect:** Unlike the general education data collection, which collects data by grade, the End of the Year Report collects data for students with disabilities by age as required by the USDOE Report of Children with Disabilities Exiting Special Education.

**NOTE** - NJOSEP was unable to calculate baseline data for the 2004-2005 school year; the data to calculate graduate rates for nondisabled youth are collected through New Jersey's Fall Survey. These data are not collected until October 15, 2005. Consequently, data for the 2003-2004 school year were used, in order to compare the percent of youth with IEPs graduating from high school with a regular diploma to the percent of youth in the State graduating with a regular diploma, *for the same school year*. Once the 2004-2005 graduation rates are available to NJOSEP, the comparison between the graduation rate for students in general education and the graduation rate for students with IEPs will be recalculated.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	84% of students with IEPs will graduate with a regular diploma.
2006 (2006-2007)	85% of students with IEPs will graduate with a regular diploma.
2007 (2007-2008)	86% of students with IEPs will graduate with a regular diploma.

<b>2008</b> (2008-2009)	<b>87% of students with IEPs will graduate with a regular diploma.</b>
<b>2009</b> (2009-2010)	<b>88% of students with IEPs will graduate with a regular diploma.</b>
<b>2010</b> (2010-2011)	<b>90% of students with IEPs will graduate with a regular diploma.</b>

**Improvement Activities/Timelines/Resources:** New Jersey's rate of graduation for students with IEPs, while substantial, is below that of all students in New Jersey. The State will continue to work to increase graduation rates of students with IEPs.

**Note:** \*\*\*\* Indicates activity was the result of stakeholder input.

**I. Data Collection and Analysis**

- a. There will be a continued review of the data system by NJOSEP to determine whether greater consistency between the two graduation rates can be achieved. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- b. Further analysis of data by disability category and by size of district will be conducted to inform future improvement strategies. **(Activity: 2005-2006 through 2006-2007)\*\*\*\***

**II. Policy and Regulation**

- a. The department proposed regulations on November 2, 2005 that will maintain the requirement to annually review the graduation proficiencies that a student is expected to meet. Modification to the requirements must be delineated in the student's IEP along with alternate proficiencies. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**III. Self-Assessment/Monitoring:**

- a. Each district will be required to review its graduation rate at the time of self-assessment/monitoring. Districts that are below the state graduation rate for students with disabilities will develop an improvement plan to increase the rate of students with disabilities who graduate. In addition, NJOSEP will include the compliance requirements related to graduation in the self-assessment and onsite monitoring process **(Ongoing Activity: 2005-2006 through 2010-2011)**

**IV. Targeted Technical Assistance:**

- a. Districts identified as non-compliant for issues related to graduation rate and/or districts targeted based on graduation rates will be provided technical assistance for the purpose of identifying improvement strategies. **(Ongoing Activity: 2005-2006 through 2010-2011).**

**V. Program Development to Increase Student Engagement in Learning and Increase Graduation Rates**

- a. **Structured Learning Experience/Career Orientation Educator:** The New Jersey State Board of Education adopted regulations on March 2, 2005 that established a 60 hour

training requirement enabling certified teachers to serve as a coordinator of career awareness, career exploration, and/or career orientation. The regulation also establishes the requirement for a district to assign an individual to coordinate structured learning and career orientation experiences. Structured Learning Experience (SLE) (*N.J.A.C. 6A:19-1.2*, NJDOE) means experiential, supervised educational activities designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions. A structured learning experience may be either paid or unpaid, depending on the type of activities in which the student is involved. All structured learning experiences must adhere to applicable State and Federal child labor laws and other rules of the State Departments of Education and Labor. Structured learning experiences may include, but are not limited to:

- (1) Apprenticeships;
- (2) Community service;
- (3) Cooperative education;
- (4) Internships;
- (5) Job shadowing;
- (6) School-based enterprises;
- (7) Volunteer activities;
- (8) Vocational student organizations; and
- (9) Work Experience Career Exploration Program (WECEP).

The purpose of the regulation was to increase the flexibility for districts to assign staff to these positions and to increase the State's and local school districts' capacity to provide appropriate transition services through work-based learning. To support implementation of the structured learning experience requirements, NJOSEP, in collaboration with the Office of Vocational - Technical, Career and Innovative Programs, sponsors workshops that: (a) enable appropriate school staff to meet the 60 hour structured learning experience training requirement; (b) encourage community-based instruction as a means of supporting the education of students with disabilities; and (c) relate opportunities for career awareness, career education, and career orientation to effective transition planning and program development. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- b. **Community-Based Instruction:** Through the New Jersey State Improvement Grant (NJSIG) partnership agreement with The Boggs Center, University of Medicine and Dentistry of New Jersey (UMDNJ), a two-part workshop is being offered to school districts throughout the state that focuses on the development and improvement of community-based instruction (CBI). Consistent with the design of the NJSIG, workshops are intended to "provide information beyond the awareness level and change local district practices with regard to the provision of transition services." Workshop participants are expected to obtain the knowledge and skills needed to:
  - Plan and implement a new CBI program in vocational and community living areas or improve and expand an existing CBI program;

- Connect CBI activities to the New Jersey Core Curriculum Content Standards;
- Include CBI related goals and objectives in students' IEPs and provide increased opportunities for students with disabilities to acquire and generalize skills, processes, and routines, learned through community-based instruction.

Subsequent to the CBI workshops, NJOSEP and the Boggs Center will conduct a follow-up survey to determine the extent to which participating local school districts have changed practice with regard to CBI as part of the instructional program offered to students with disabilities. **(Activity: 2005-2006 and 2006-2007)**

- c. ***Middle School Literacy Initiative/Secondary Education Initiative:*** NJOSEP will expand its partnership with the Division of Abbott Implementation, Office of Urban Literacy, to its middle school and secondary school initiatives. These initiatives include:

- *Literacy is Essential to Adolescent Development and Success (LEADs) model (Grades 4-8)* - The LEADs model emphasizes working across disciplines, using interesting and contemporary literature, frequent writing, diverse texts, and targeted interventions for students reading two or more years below grade level;
- *Abbott Secondary Education Initiative (Grades 6 through 12)* – The Abbott Division has initiated a three-year project intended to strengthen the academic performance of Abbott district students in grades six through 12. Through this initiative targeted districts will develop plans to transform their high schools into smaller learning communities, designed to create a more rewarding learning environment for students and teachers and ensure that students have stronger connections to the school and community.

In collaboration with the Abbott Division, NJOSEP will ensure that the needs of students with disabilities are provided for and supported through these initiatives (e.g. interdivision trainings and technical assistance; grant agreements; policy directives, etc.). **(Activity: 2005-2006 through 2007-2008)**

- d. ***Student Leadership “Dare to Dream” Conferences:*** NJOSEP will continue to sponsor a series of regional student leadership conferences that provide training and guidance to students, parents, and school personnel in the areas of self-advocacy and legal rights and responsibilities. The conferences feature presentations by youth and young adults with disabilities. To support implementation of the conferences and the recruitment of increasingly more districts that incorporate self-advocacy and futures planning as an explicit part of the instructional program, NJOSEP will continue to sponsor training sessions for local school personnel on developing and implementing lesson plans that focus on self-discovery, IEP preparation, self-advocacy, and planning for the future. **(Ongoing Activity: 2005-2006 through 2010-2011).**

## VI. Future Planning Activities:

- a. NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**

**Indicator #2: Drop-Out Rates****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 2, Drop-Out Rates, was discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator # 2 and reviewed the most recent baseline data which is from the 2003-2004 school year.

There was a general discussion of the data and the calculation of the drop-out rate. NJOSEP proposed that the target be set at or near the drop-out rate for all students.

**Stakeholder Input:**

Participants in the meeting suggested a further analysis of data in order to determine which sub-groups of students with disabilities are dropping out and to identify those districts that have the highest drop-out rates. Stakeholders believed that these additional data analyses would inform the selection of future strategies and activities to meet the targets.

A question arose as to whether the measurement for the drop-out rate for students in the general education population was correctly described in the NJOSEP presentation. A further review was conducted after the stakeholder meeting. Although the data were reported correctly to the stakeholders, the description was incorrect. The correct description is provided below.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: FAPE in the LRE**

**Indicator #2: Percent of youth with IEPs dropping out of high school compared to the percent of all youth in the State dropping-out of high school.**

**Measurement:** Measurement for youth with IEPs should be the same measurement as for all youth.

**Explain calculation:**

***State level drop-out data was used to calculate the baseline for drop-out rates.***

Data to determine the drop-out rate for students in general education are collected by dividing the total number of students, grades 9 through 12 that dropped-out during the school year by the total number of students grades 9 through 12 enrolled for the school year.

Data are collected annually through the Report of Children with Disabilities Exiting Special Education to determine the drop-out rate of students with disabilities. On the exiting table, the number of students with disabilities that dropped-out for a given year is collected for students ages 14-21. This number is then divided by the total enrollment of students with disabilities ages 14-21 for that year in order to determine what percentage of the total number of students with disabilities are students with disabilities that dropped-out.

**The calculation used to determine drop-out rate for youth with IEPs and all youth. Measurement for youth with disabilities should be the same measurement as for all youth. If not, indicate the difference and explain why there is a difference.**

The calculation for determining the drop-out rate for students with disabilities and for nondisabled students is the same except the USDOE collects the information for students with disabilities by age and New Jersey collects the data for nondisabled students by grade.

#### **Overview of Issue/Description of System or Process:**

**Narrative that describes what counts as dropping out for all youth and, if different what counts as dropping out for youth with IEPs. If there is a difference, explain why.**

The New Jersey Constitution and statutes mandate that students ages 6 through 15 attend school either in public or private schools, or that they be home schooled during those ages. At ages 16 and 17, students may drop out of school with parental consent. Beginning at age 18, students may drop out of school without parental consent, unless the parents retain guardianship. Student ages 16 and older are no longer considered truant if they fail to attend school.

**Baseline Data:** For the 2004-2005 school year, the drop-out rate for students with disabilities is 3.45%<sup>1</sup>. The drop-out rate for students in general education has been collected but not reported. As a result, the most recent year for which NJOSEP has comparable data, is the 2003-2004 school year. In 2003-2004, the drop-out rate for all students was 1.9%. For students with IEPs, the drop-out rate was 3.42%.

**Discussion of Baseline Data:** NJOSEP calculated the drop-out rate for students with disabilities for the 2004-2005 school year but is unable to compare this data with the data for nondisabled youth. The data used to calculate the drop-out rates for nondisabled youth are collected on October 15, 2005, as part of New Jersey's Fall Survey. As of this writing, the NJDOE has not yet finalized the analysis of the data. Consequently, in order to compare the percent of youth with IEPs dropping out of school to the percent of all youth in the State dropping out, *for the same school year*, 2003-2004 data were used. Once the 2004-2005 drop-out rates are available to NJOSEP, a comparison will be made. Additionally, to the extent the comparison affects the targets and strategies, revisions will be made.

In order to assist in the setting of targets and the development of strategies to meet the targets, NJOSEP has reviewed additional data that were not available at the stakeholder meeting. Trend data reveal that the drop-out rate for students with disabilities has been declining, although there was a very slight increase between the 2003-2004 school year and the 2004-2005 school years as follows:

01-02 school year	4.81% of students with disabilities dropped out
02-03 school year	3.73% of students with disabilities dropped out
03-04 school year	3.42% of students with disabilities dropped out
04-05 school year	3.45% of students with disabilities dropped out

As a result of these additional data, the targets have been modified slightly from those presented at the stakeholder meeting.

<sup>1</sup> These data were not available at the time of the stakeholder meeting.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	The drop-out rate for students with IEPs will be at or below 3.45%.
<b>2006</b> (2006-2007)	The drop-out rate for students with IEPs will be at or below 3.35%
<b>2007</b> (2007-2008)	The drop-out rate for students with IEPs will be at or below 3.15%
<b>2008</b> (2008-2009)	The drop-out rate for students with IEPs will be at or below 2.85%
<b>2009</b> (2009-2010)	The drop-out rate for students with IEPs will be at or below 2.65%
<b>2010</b> (2010-2011)	The drop-out rate for students with IEPs will be at or below 2.45%

**Improvement Activities/Timelines/Resources:**

**Note:** \*\*\*\* Indicates activity was the result of stakeholder input.

**I. Data Collection and Analysis**

- a. NJOSEP will analyze the drop-out data to identify all K to 12 and secondary districts that are above the state dropout rate. **(Ongoing Activity: 2005-2006 through 2010-2011)\*\*\*\***
- b. As suggested by the stakeholders, NJOSEP will analyze which sub-group(s) of students with disabilities is dropping out (e.g. eligibility category, race/ethnicity). **(Ongoing Activity: 2005-2006 through 2010-2011)\*\*\*\***

**II. Self-Assessment and Monitoring**

Each district will be required to review its drop-out rate at the time of self-assessment. Districts that have a drop-out rate above the State drop-out rate for students with disabilities but who are compliant with respect to the related monitoring requirements will develop an improvement plan to decrease the rate of students who drop out. Districts that are above the State drop-out rate and who are noncompliant with respect to the related monitoring requirements will develop an improvement plan to correct the noncompliance and decrease the drop-out rate. **(Ongoing Activity: 2005-2006 through 2010-2011)**

## III. Policy/Regulation

- a. On November 2, 2005, New Jersey proposed regulations to maintain age 14 as the beginning age for transition services and included amendments in its regulations governing transition to assist in improving educational outcomes for students with disabilities and, concomitantly, decrease drop-out rates that result from students being disaffected. **(Activity: 2005-2006)**
- b. New Jersey will monitor the effectiveness of these regulatory changes over time and, as determined necessary and appropriate, seek to incorporate other changes to assist in improving outcomes for students with disabilities, including a decrease in the drop-out rates for these students. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**IV. Targeted Technical Assistance:** Districts identified as non-compliant for issues related to drop-out rates and/or districts targeted based on drop-out rates will be provided technical assistance for the purpose of identifying improvement strategies. **(Ongoing Activity: 2005-2006 through 2010-2011).**

**V. Program Development to Increase Student Engagement in Learning and to Decrease the Drop-Out Rate**

- a. **Structured Learning Experience/Career Orientation Educator:** The New Jersey State Board of Education adopted regulations on March 2, 2005 that established a 60 hour training requirement enabling certified teachers to serve as a coordinator of career awareness, career exploration, and/or career orientation. The regulation also establishes the requirement for a district to assign an individual to coordinate structured learning and career orientation experiences. Structured Learning Experience (SLE) (*N.J.A.C. 6A:19-1.2*, NJDOE) means experiential, supervised educational activities designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions. A structured learning experience may be either paid or unpaid, depending on the type of activities in which the student is involved. All structured learning experiences must adhere to applicable State and Federal child labor laws and other rules of the State Departments of Education and Labor. Structured learning experiences may include, but are not limited to:

- (1) Apprenticeships;
- (2) Community service;
- (3) Cooperative education;
- (4) Internships;
- (5) Job shadowing;
- (6) School-based enterprises;
- (7) Volunteer activities;
- (8) Vocational student organizations; and
- (9) Work Experience Career Exploration Program (WECEP).

The purpose of the regulation was to increase the flexibility for districts to assign staff to these positions and to increase the state's and local school districts' capacity to provide appropriate



transition services through work-based learning. To support implementation of the structured learning experience requirements, NJOSEP, in collaboration with the Office of Vocational - Technical, Career and Innovative Programs, sponsors workshops that: (a) enable appropriate school staff to meet the 60 hour structured learning experience training requirement; (b) encourage community-based instruction as a means of supporting the education of students with disabilities; and (c) relate opportunities for career awareness, career education, and career orientation to effective transition planning and program development. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- b. Community-Based Instruction:** Through the New Jersey State Improvement Grant (NJSIG) partnership agreement with The Boggs Center, University of Medicine and Dentistry of New Jersey (UMDNJ), a two-part workshop is being offered to school districts throughout the state that focuses on the development and improvement of community-based instruction (CBI). Consistent with the design of the NJSIG, workshops are intended to “provide information beyond the awareness level and change local district practices with regard to the provision of transition services.” Workshop participants are expected to obtain the knowledge and skills needed to:

- Plan and implement a new CBI program in vocational and community living areas or improve and expand an existing CBI program;
- Connect CBI activities to the New Jersey Core Curriculum Content Standards;
- Include CBI related goals and objectives in students’ IEPs and provide increased opportunities for students with disabilities to acquire and generalize skills, processes, and routines, learned through community-based instruction.

Subsequent to the CBI workshops, NJOSEP and the Boggs Center will conduct a follow-up survey to determine the extent to which participating local school districts have changed practice with regard to CBI as part of the instructional program offered to students with disabilities. **(Activity: 2005-2006 and 2006-2007)**

- c. Middle School Literacy Initiative/Secondary Education Initiative:** NJOSEP will expand its partnership with the Division of Abbott Implementation, Office of Urban Literacy, to its middle school and secondary school initiatives. These initiatives include:

- *Literacy is Essential to Adolescent Development and Success (LEADs) model (Grades 4-8)* - The LEADs model emphasizes working across disciplines, using interesting and contemporary literature, frequent writing, diverse texts, and targeted interventions for students reading two or more years below grade level;
- *Abbott Secondary Education Initiative (Grades 6 through 12)* – The Abbott Division has initiated a three-year project intended to strengthen the academic performance of Abbott district students in grades six through 12. Through this initiative targeted districts will develop plans to transform their high schools into smaller learning communities, designed to create a more rewarding learning environment for students and teachers and ensure that students have stronger connections to the school and community.

In collaboration with the Abbott Division, NJOSEP will ensure that the needs of students with disabilities are provided for and supported through these initiatives (e.g. interdivision trainings and technical assistance; grant agreements; policy directives, etc.). **(Activity: 2005-2006 through 2007-2008)**

d. **Student Leadership “Dare to Dream” Conferences:** NJOSEP will continue to sponsor a series of regional student leadership conferences that provide training and guidance to students, parents, and school personnel in the areas of self-advocacy and legal rights and responsibilities. The conferences feature presentations by youth and young adults with disabilities. To support implementation of the conferences and the recruitment of increasingly more districts that incorporate self-advocacy and futures planning as an explicit part of the instructional program, NJOSEP will continue to sponsor training sessions for local school personnel on developing and implementing lesson plans that focus on self-discovery, IEP preparation, self-advocacy, and planning for the future. **(Ongoing Activity: 2005-2006 through 2010-2011)**

VI. **Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**

## **Indicator #3: Assessment**

### **Part B State Performance Plan (SPP) for 2005-2010**

#### **Overview of the State Performance Plan Development:**

Indicator #3, Assessment, was discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview and explanation of the indicator. The presentation included information on the NCLB thresholds for adequate yearly progress for New Jersey schools and districts and a rationale for utilizing those rigorous targets for the special education subgroup.

#### ***Stakeholder Input:***

The stakeholder group discussed the statistic that would be selected for the performance target. Stakeholders expressed a concern regarding the exclusion of students with disabilities due to the n size for the special education subgroup. As a result, a determination was made to use the statewide special education subgroup as the target to ensure that all students with disabilities are included in the measure.

Although there was some concern among the stakeholders regarding the use of such rigorous targets for the subgroup, the majority expressed agreement with using one set of annual goals for all students.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator # 3: Statewide Assessment - Participation and performance of children with disabilities on statewide assessments:**

- A. Percent of districts meeting the State's AYP objectives for progress for the disability subgroup.**
- B. Participation rate for children with IEPs in a regular assessment with no accommodations; regular assessment with accommodations; alternative assessment against grade level standards; alternate assessment against alternate achievement standards.**
- C. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards. (20 U.S.C. 1416(a)(3)(A))**

**Measurement:**

A. Percent = # of districts meeting the State's AYP objectives for progress for the disability subgroup (children with IEPs) divided by the total # of districts in the State times 100.

B. Participation rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in alternate assessment against alternate achievement standards (percent = e divided by a times 100).

Account for any children included in a but not included in b, c, d, or e above

Overall percent = b + c + d + e divided by a.

C. Proficiency rate =

- a. # of children with IEPs in grades assessed;
- b. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with no accommodations (percent = b divided by a times 100);
- c. # of children with IEPs in grades assessed who are proficient or above as measured by the regular assessment with accommodations (percent = c divided by a times 100);
- d. # of children with IEPs in grades assessed who are proficient or above as measured by the alternate assessment against grade level standards (percent = d divided by a times 100); and
- e. # of children with IEPs in grades assessed who are proficient or above as measured against alternate achievement standards (percent = e divided by a times 100).

Overall Percent = b + c + d + e divided by a

**Overview of Issue/Description of System or Process:*****State used the same assessments used for reporting under NCLB***

The New Jersey state assessment system currently includes state assessments in grades 3, 4, 8 and 11. These assessments are administered to measure achievement of the Core Curriculum Content Standards, our State's academic standards, and to meet the requirements of the No Child Left Behind Act. The assessments are as follows:

Grade 3, 4	New Jersey Assessment of Knowledge and Skills (NJASK3, 4)
Grade 8	Grade Eight Proficiency Assessment (GEPA)
Grade 11	High School Proficiency Assessment (HSPA)
Alternate Assessment for Grades 3, 4, 8 and 11	Alternate Proficiency Assessment (APA)

Assessments for grades 5, 6 and 7 in mathematics and language arts literacy will be implemented in spring 2006.

Guidelines for the participation of students with disabilities in state assessments are included in state regulations. Students with disabilities must participate in the general state assessment for their grade or age unless they have not been instructed in any of the knowledge and skills assessed and they could not answer any of the types of questions on the assessment. Participation in the APA statewide has not exceeded the 1.0% cap imposed by the USDOE. Districts may apply for an exception to the cap if they meet specific criteria.

Each student's IEP team determines how the student will participate in state assessments – either the general assessment for the grade or age or the APA. Decisions are made by content area affording the students the opportunity to participate in the general assessment for one content area and in the APA for another. IEP teams also select accommodations and modifications for the general assessments, as needed, for students on an individual basis from a list developed by the Office of Evaluation and Assessment and the Office of Special Education Programs.

**Baseline Data for FFY 2004 (2004-2005):****A. Percent of districts meeting the State's AYP objectives for progress for the disability subgroup for 2005 (*includes only districts that have a disability subgroup that meets the state's minimum 'n' size*):**

For the 2004-2005 school year, 606 districts included grades that were tested in the statewide assessment system. Of those, 351 were not analyzed for the special education subgroup since less than 35 students with disabilities were assessed in the district. Of the remaining 255, a total of 54, or 21.1%, met the annual objective for adequate yearly progress in all tested grades and content areas (mathematics and language arts).

**B. and C. Participation and Performance Rates for Children with IEPs:**

Participation and performance data for the 2004-2005 school year are presented in Attachment 1 for each assessment and aggregated, combining the participation and proficiency rates for the general assessment and APA data for students in each tested grade and equivalent age group. Students who attempted to take the test but responded to less than 20% of the items in a content area received a voided score due to the lack of reliability of the potential true score.

**Discussion of Baseline Data:**

The state exceeds the NCLB requirement for a 95% participation rate in all tested grades except high school. The participation rate for the APA has not exceeded 1.0% at the state level demonstrating that IEP teams are making appropriate decisions regarding participation. Participation targets have been set higher than 95% for the elementary grades since IDEA requires all students with disabilities to participate in state assessments. In setting the final target, NJOSEP ***accounted for any children in B (a), but not included in B (b) , B (c), B (d), or B (e) , and set the final target at 97% since each year, circumstances arise where some students, due to illness or other unexpected situation, are unable to participate in the assessments.***

Performance targets are consistent with the rigorous targets established for all children and include the provisions of safe harbor, consistent with NCLB. Although the disability subgroup is performing below the targets statewide in each content area, the NJDOE did not lower expectations for this group. Since activities are aligned with general education initiatives to improve performance, (e.g., the literacy initiative), it was determined that establishing different targets would be counterproductive to the collaborative efforts occurring at the state and district levels.

FFY	Measurable and Rigorous Target  Participation and Performance-State Assessments
2005 (2005-2006)	<p>A. 100% of districts will meet the state's AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</p> <p>B. 96.5% of students with IEPs in grades 3 through 8 will participate in the general assessment for their grade or age or the APA.**</p> <p>96% of students with IEPs in grade 11 will participate in the High School Proficiency Assessment or the APA.</p> <p>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</p>
2006 (2006-2007)	<p>A. 100% of districts will meet the state's AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</p> <p>B. 96.5% of students with IEPs in grades 3 through 8 will participate in the general assessment for their grade or age or the APA.**</p> <p>96% of students with IEPs in grade 11 will participate in the High School Proficiency Assessment or the APA.</p> <p>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</p>

<p><b>2007</b> (2007-2008)</p>	<p>A. 100% of districts will meet the state's AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</p> <p>B. 96.5% of students with IEPs in grades 3 through 8 will participate in the general assessment for their grade or age or the APA.**</p> <p>96% of students with IEPs in grade 11 will participate in the HSPA or the APA.</p> <p>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</p>
<p><b>2008</b> (2008-2009)</p>	<p>A. 100% of districts will meet the state's AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</p> <p>B. 97% of students with IEPs in grades 3 through 8 and 11 will participate in the general assessment for their grade or age or the APA.**</p> <p>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</p>
<p><b>2009</b> (2009-2010)</p>	<p>A. 100% of districts will meet the state's AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</p> <p>B. 97% of students with IEPs in grades 3 through 8 and 11 will participate in the general assessment for their grade or age or the APA.**</p> <p>C. The proficiency rate for children with IEPs measured against grade level standards and alternate achievement standards will equal or exceed the state AYP objectives for mathematics and language arts literacy at each tested grade level. *</p>
<p><b>2010</b> (2010-2011)</p>	<p>A. 100% of districts will meet the state's AYP objectives for progress for the disability subgroup for mathematics and language arts literacy at each tested grade level.*</p> <p>B. 97% of students with IEPs in grades 3 through 8 and 11 will participate in the general assessment for their grade or age or the APA.**</p> <p>C. The percentage of students achieving a score of proficient or advanced proficient on state assessments in the special education subgroup will equal or exceed the annual measurable objective for performance in mathematics and language arts literacy.</p>

**\*AYP Objectives for New Jersey**

Content Area	Grade Level	FFY 2005	2006	2007	2008	2009	2010
LAL	4	75	75	82	82	82	91
	8	66	66	76	76	76	87
	11	79	79	85	85	85	92
Mathematics	4	62	62	73	73	73	85
	8	49	49	62	62	62	79
	11	64	64	74	74	74	86

A district will be considered meeting the objective if the district reduces the partially proficient rate by 10% from the previous year.

As assessments are added, AYP will be calculated by aggregating across grades as follows:

Grades 3, 4, and 5 will be compared to objectives set for grade 4; and

Grades 6, 7 and 8 will be measured using objectives initially set for grade 8.

**\*\*Participation in the APA will not exceed 1% of the tested population in a district unless an exception to the 1.0% limitation is granted by the NJDOE.**

**Improvement Activities/Timelines/Resources:**

- I. **NJDOE Policy Implementation and Guidance:** Annual training is conducted for teachers, administrators and child study team members regarding participation in state assessments, including the Alternate Proficiency Assessment (APA). Training for the APA is conducted collaboratively by the Office of Assessment and Evaluation and the Office of Special Education Programs. Training regarding general assessments and the participation of students with disabilities in these assessments is conducted by the Office of Assessment and Evaluation. Test Coordinator and Administrator manuals are distributed annually which include the participation criteria for general assessments and the APA and guidance regarding accommodations and modifications that may be administered during general statewide assessments. Procedures for administering the APA include a framework for instructing all students in the Core Curriculum Content Standards. Examples of instructional activities are provided during training to assist teachers in modifying instructional activities to address the needs of students with the most significant activities and to assist them in collecting student data for the assessment. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**II. Intensive Early Literacy and Collaboration with Office of Urban Literacy**

- a. **Policy Development and Implementation:** The Office of Special Education Programs is collaborating with the Office of Urban Literacy to ensure that all students, including students with disabilities, receive high quality instruction that is consistent with the NJDOE Intensive Early Literacy initiative. Initially, this collaboration resulted in a guidance paper entitled "New Jersey Reading First, Intensive Early Literacy, and Office of Special Education Programs' Guidance on Provision of Services for Students with Disabilities. The guidance paper provides direction with regard to:



- Access to Reading First and Intensive Early Literacy Programs, including minimum requirements for instructional time;
- Diagnostic and Classroom-Based Assessment and Progress Monitoring;
- Organization of Instruction;
- Access to Materials and Equipment; and
- Access to Professional Development of Special Education Teachers.

This guidance paper is serving as the basis for intensive early literacy program development and related NJOSEP professional development activities in Abbott school districts. Additionally, the guidance paper will serve as a technical assistance tool for low performing non-Abbott districts and schools. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- b. **Cooperative Grant Agreement:** A cooperative grant agreement, *Providing Quality Intensive Early Literacy Instruction to Students with Disabilities*, was made available to each of the Abbott districts, with the expectation that programs, kindergarten through grade 4, will be organized to improve instruction in general education to eliminate inappropriate and unnecessary referral of students to special education and to ensure quality early literacy instruction for students appropriately identified as eligible for special education. Twenty-seven of the Abbott districts entered into the agreement that stipulates the following goal and objectives:

Grant Goal: To close the achievement gap of students with disabilities and nondisabled students in Abbott school districts as demonstrated by performance on the ASK 3, ASK 4, and the Terranova, grades K,1, and 2.

Grant Objectives:

- Grant Objective 1 - Assign special education literacy resource coach(es) to build instructional support for administrators, other literacy coaches and general and special education teachers in school buildings and classrooms that provide instruction to students with disabilities, grades K-3.
- Grant Objective 2 - Organize and implement a program of instructional support through coaching that provides sustained contact with other literacy coaches and general and special education teachers responsible for the education of students with disabilities, to learn, practice, and refine instructional and assessment practices grounded in scientifically based reading research.
- Grant Objective 3 - Organize and implement a professional development program for other literacy coaches and general education and special education teachers focused on organizing and delivering instruction based on the principles of the NJDOE IEL. **(Activity: 2005-2006 through 2006-2007)**

- c.. **Middle School Literacy Initiative/Secondary Education Initiative:** NJOSEP will expand its partnership with the Division of Abbott Implementation, Office of Urban Literacy, to its middle school and secondary school initiatives. These initiatives include:

- *Literacy is Essential to Adolescent Development and Success (LEADs) model (Grades 4-8)*
  - The LEADs model emphasizes working across disciplines, using interesting and

contemporary literature, frequent writing, diverse texts, and targeted interventions for students reading two or more years below grade level;

- *Abbott Secondary Education Initiative (Grades 6 through 12)* – The Abbott Division has initiated a three-year project intended to strengthen the academic performance of Abbott district students in grades six through 12. Through this initiative targeted districts will develop plans to transform their high schools into smaller learning communities, designed to create a more rewarding learning environment for students and teachers and ensure that students have stronger connections to the school and community.

In collaboration with the Abbott Division, NJOSEP will ensure that the needs of students with disabilities are provided for and supported through these initiatives (e.g. interdivision trainings and technical assistance; grant agreements; policy directives, etc.). **(Activity: 2005-2006 through 2007-2008)**

- II. ***Collaborative Assessment and Planning for Achievement (CAPA)***: The New Jersey Department of Education has instituted a review process for schools in need of improvement entitled, Collaborative Assessment and Planning for Achievement (CAPA). This process has established performance standards for schools related to school leadership, instruction, analysis of state assessment results, and use of assessment results to inform instruction for all students in the content standards. Through a collaborative effort between the Division of Student Services and the Abbott Division, the CAPA process includes a review of the inclusion of students with disabilities and special education staff members in school-based initiatives focused on improving results for students. Individuals with knowledge of special education are part of the CAPA review teams and a protocol for interviewing teachers and administrators relative to the needs of special education students within school-based improvement initiatives has been developed and implemented. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- III. ***Family Literacy Initiative***: In collaboration with the Office of Reading First and the Statewide Parent Advocacy Network (SPAN), NJOSEP is implementing a family literacy initiative. This initiative involves training teams of educators and parents, representing Reading First districts, to turnkey literacy strategies in order to involve families in the literacy learning of their children with an emphasis on students with disabilities grades kindergarten through three. **(Activity: 2005-2006 through 2006-2007)**
- IV. ***Self-Assessment/Monitoring***: Participation in statewide assessment is reviewed as part of the compliance monitoring process. IEPs are reviewed to ensure that they include decisions regarding participation in the general assessment or the alternate assessment and accommodations, if the student will be taking the general assessment in any content area. Performance results are also reviewed as part of self-assessment. Districts review the results and determine if improvement activities are needed.  
  
Participation and performance results will be reviewed in districts selected for focused monitoring during the 2006-2007 school year.
- V. ***Targeted Technical Assistance***: Districts identified as non-compliant for issues related to student participation in statewide assessments and/or districts targeted based on performance rates will be provided technical assistance for the purpose of identifying improvement strategies. **(Ongoing Activity: 2005-2006 through 2010-2011).**
- VI. ***Future Planning Activities***: NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**

# SPP Template – Part B (3)

## New Jersey State

### Attachment 1 – State Assessment Data

2005 SPECIAL EDUCATION STUDENTS LANGUAGE ARTS LITERACY SUMMARY											
DATA											
	General Testing Program: NJASK 3, 4, GEPA (Grade 8) and HSPA (Grade 11)						APA				Overall %
		No Accommodations			Accommodations						
3	14,891	3,334	21.1%	14,891	10,921	69.0%	944	857	944	6.0%	96.0%
4	16,545	3,050	17.4%	16,545	12,864	73.6%	935	832	935	5.3%	96.4%
8	18,171	2,532	13.3%	18,171	14,925	78.2%	910	824	910	4.8%	96.3%
11	14,525	2,836	18.6%	14,525	10,999	72.0%	760	698	760	5.0%	95.5%
		No Accommodations			Accommodations						
Grade	Enrollment	N Count Prof + Adv Prof	P or AP**	Enrollment	N Count Prof + Adv Prof	P or AP	Enrollment	Valid Scores	N Count Prof + Adv Prof	P or AP	P or AP
3	14,891	2,563	16.4%	14,891	5,424	34.3%	944	857	702	4.4%	55.1%
4	16,545	2,104	12.2%	16,545	5,556	31.8%	935	832	684	3.9%	47.9%
8	18,171	772	4.1%	18,171	4,096	21.5%	910	824	692	3.6%	29.2%
11	14,525	695	4.6%	14,525	3,405	22.3%	760	698	600	3.9%	30.8%

\*Void = Attempted  
 \*\* Proficient or  
 Advanced Proficient

# SPP Template – Part B (3)

## New Jersey State

2005 SPECIAL EDUCATION STUDENTS MATHEMATICS SUMMARY											
DATA											
	General Testing Program: NJASK 3,4, GEPA (Grade 8), or HSPA (Grade 11)						APA				ALL
		No Accommodations			Accommodations						
Grade	Enrollment	N Count Valid + Void	Participate	Enrollment	N Count Valid + Void	Participate	Enrollment	Valid Scores	N Count Valid + Void	Participate	Participate
3	14,891	3,341	21.1%	14,891	10,902	68.8%	944	833	944	6.0%	95.9%
4	16,545	3,055	17.5%	16,545	12,865	73.6%	935	813	935	5.3%	96.4%
8	18,171	2,516	13.2%	18,171	14,897	78.1%	910	827	910	4.8%	96.0%
11	14,525	2,751	18.0%	14,525	10,791	70.6%	760	691	760	5.0%	93.6%
Grade	Enrollment	No Accommodations N Count Prof + Adv Prof	P or AP	Enrollment	Accommodations N Count Prof + Adv Prof	P or AP	Enrollment	Valid Scores	N Count Prof + Adv Prof	P or AP	P or AP
3	14,891	2,635	17.0%	14,891	6,502	41.1%	944	833	641	4.0%	62.1%
4	16,545	2,222	12.9%	16,545	6,511	37.2%	935	813	652	3.7%	53.9%
8	18,171	632	3.4%	18,171	3,278	17.2%	910	827	635	3.3%	23.9%
11	14,525	695	4.6%	14,525	3,405	22.3%	760	691	549	3.6%	30.5%
Grade	Valid Scores	No Accommodations N Count Prof + Adv Prof	P or AP	Valid Scores	Accommodations N Count Prof + Adv Prof	P or AP	Enrollment	Valid Scores	N Count Prof + Adv Prof	P or AP	P or AP
3	14,181	2,635	17.8%	14,181	6,502	43.9%	944	833	641	4.2%	65.9%
4	15,803	2,222	13.5%	15,803	6,511	39.6%	935	813	652	3.9%	57.0%
8	17,322	632	3.5%	17,322	3,278	18.3%	910	827	635	3.5%	25.3%
11	13,488	695	5.0%	13,488	3,405	24.3%	760	691	549	3.9%	33.1%

**Indicator #4A: Suspension/Expulsion****Indicator #4B: Suspension/Expulsion (New Indicator)****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicators # 4A and # 4B, Suspension/Expulsion, were discussed at the stakeholder meeting held on November 3, 2005. At the meeting, staff from the NJOSEP presented an overview of the indicator and a review of the most recent baseline data which is from the 2004-2005 school year.

There was a general discussion of the data and the calculation of the suspension and expulsion rate. NJOSEP proposed a target that would cut the rate in half for students with disabilities by the 2010-11 school year.

***Stakeholder Input:***

Participants in the meeting asked whether sanctions would be imposed with respect to districts (with significant discrepancies) that did not reduce the percentage of students with disabilities that were removed for more than 10 days. NJOSEP staff reviewed 20 U.S.C. §1418(d)(2)(B) which directs that the State or the USDOE require any local education agency to reserve the maximum amount of funds under 20 U.S.C. §1413(f) for comprehensive coordinated early intervening services when a determination of significant disproportionality based on race or ethnicity is made with respect to identification of children as children with disabilities, placement in particular settings or the incidence, duration and type of disciplinary actions, including suspensions and expulsions.

Additionally, an error was made in the calculating the percentage of districts having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year. Inaccurate figures were presented at the stakeholder meeting. The corrected figures are noted below. The targets were adjusted to reflect the corrected numbers.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: FAPE in the LRE**

**Indicator 4A: Rates of suspension and expulsion**

- A. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.**

**Measurement:**

- 4A.** Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year divided by # of districts in the State times 100.

**The State must include a definition of “significant discrepancy.”**

**Overview of Issue/Description of System or Process:**

In March of 2000, districts began reporting incidents of disciplinary action directly to NJDOE over the Internet on the Electronic Violence and Vandalism Reporting System (EVVRS).

The collection of data for general education students relates only to the four categories of violence, vandalism, weapons and substance abuse. ***The collection of data with respect to students with disabilities is the same information required by Table 5, Section A, Columns 3A, 3B and 3C of the Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days of the Annual Report of Children Served.***

***The data collection for students with disabilities is not limited to the four categories of violence, vandalism, weapons and substance abuse. Rather, this collection includes disciplinary action for any violation of the school's code of conduct that results in removals summing to more than 10 days or for a single episode that results in a removal for more than 10 consecutive days.***

The following information is collected:

- The number of removals summing to 10 school days in a year
- The number of removals of more than 10 (consecutive) school days in a year
- The unduplicated count of students with disabilities
- The racial and ethnic background of the students.

**Baseline Data for FFY 2004 (2004-2005):**

There are 593 operating school districts in New Jersey and for the 2004-05 school year there were 51 charter schools for a total of 644 education agencies. Of 166 districts reporting incidents of removals of more than 10 days:

- 14 districts were identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities removed for more than 10 school days in a year

**14/644 = .02 x 100 = 2% of districts had a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.**

**Discussion of Baseline Data:**

***NJOSEP reviewed the district level data reported on the EVVRS (i.e., Table 5, Section A)<sup>2</sup>. NJOSEP examined the data to determine whether there were significant discrepancies among local education agencies within New Jersey.*** To accomplish this task, NJOSEP first grouped districts according to the total number of students enrolled to compare districts of similar size. Districts were grouped as follows:

- Under 2,000 students enrolled
- 2,000 to 5,000 students enrolled
- Over 5,000 to 10,000 students enrolled
- Over 10,000 students enrolled

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<sup>2</sup> See Table 5 on page 35.

The mean and standard deviation were calculated for each group using the unduplicated count of children with disabilities suspended or expelled for more than 10 school days.

**Significant discrepancy is defined as one standard deviation above the mean within each enrollment group.**

Among districts with under 2,000 students enrolled	3 districts were identified
Among districts with 2,000 to 5,000 students enrolled	5 districts were identified
Among districts with over 5,000 to 10,000 students enrolled	4 districts were identified
Among districts with over 10,000 students enrolled	2 districts were identified

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 2%</b>
<b>2006</b> (2006-2007)	<b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 1.8%.</b>
<b>2007</b> (2007-2008)	<b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 1.6%.</b>
<b>2008</b> (2008-2009)	<b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 1.4%</b>
<b>2009</b> (2009-2010)	<b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 1.2%.</b>
<b>2010</b> (2010-2011)	<b>Percent of districts identified as having a significant discrepancy in the rates of suspension and expulsion will be at or below 1%.</b>

#### **Improvement Activities/Timelines/Resources:**

##### **I. Data Collection and Analysis:**

- a. NJOSEP will continue to analyze suspension/expulsion data to assure that all districts with significant discrepancies are identified and appropriate improvement strategies are implemented. **(Ongoing Activity 2005-2006 through 2010-2011)**

##### **II. Information Dissemination: Revised Discipline Requirements**

###### **a. Policy/Regulatory Changes:**

Changes in disciplinary requirements became effective on July 1, 2005. NJOSEP developed a guidance document to advise districts, parents and all persons interested in special education of

the new requirements. Federal disciplinary requirements are being incorporated by reference into the New Jersey Administrative Code for special education (N.J.A.C. 6A:14). **(Ongoing Activity: 2005-2006 through 2010-2011)**

b. **Discipline Requirements Brochure:**

NJOSEP developed and distributed a two-page brochure outlining requirements for disciplinary action. **(Activity: 2005-2006)**

**III. Self-Assessment/Monitoring:**

- a. The examination of data for the last APR report period (June 2003-May 2004) did not lead to identification of districts as having a “significant discrepancy.” However, the NJOSEP self-assessment/monitoring process has included a review of districts’ use of functional behavioral assessment, positive behavior supports, and adherence to the discipline requirements. When districts have been noncompliant in one or more of these areas, correction of non-compliance in a timely manner has been required.
- b. NJOSEP will use a significant discrepancy in the rate of suspension to identify districts for monitoring. Districts that have a significant discrepancy and are found to be compliant with respect to the related monitoring requirements will develop an improvement plan to eliminate the significant discrepancy. Districts that have a significant discrepancy and are found to be noncompliant with respect to the related monitoring requirements will develop an improvement plan to address the significant discrepancy and the noncompliance. As part of the improvement planning process, noncompliant districts will review, and if needed, revise their policies, procedures, and practices relating to the development and implementation of IEPs, the use of positive behavior interventions and supports, and procedural safeguards, to ensure that such policies, procedures, and practices are compliant. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**IV. School-wide Positive Behavior Supports in Schools/Functional Behavioral Assessment and Positive Behavior Supports**

- a. **Targeted Technical Assistance:** Districts identified as noncompliant for issues related to rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year and/or districts targeted as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year will be provided technical assistance for the purpose of identifying and implementing improvement strategies. Technical assistance will be provided by the NJOSEP through its NJSIG partnership agreement with the Boggs Center, UMDNJ on the use functional behavior assessment, positive behavior supports, and/or school-wide behavior intervention systems **(Ongoing Activity: 2005-2006 through 2010-2011)**.
- b. **New Jersey Association of School Psychologists Network:** Ten New Jersey school districts have been implementing a system of school-wide positive behavior supports (SWPBS) in one or more school buildings as part of the NJSIG initiative to include an increased number of students with disabilities in general education programs. Several of these districts have demonstrated reduced “office discipline referrals” as well as improved school climates within a two year period.

Based on the effective application of the principles of school-wide positive behavior supports, NJOSEP, through the NJSIG partnership with the Boggs Center, UMDNJ, will scale-up the use of school-wide behavior intervention strategies through a proactive collaboration with the New Jersey Association of School Psychologists. This collaboration is intended to result in the identification of 10 school districts (approximately 20 buildings) that have a data-based need to implement a school-wide system of positive behavior supports.



In July 2006 a group of school psychologists will participate in two days of training on school-wide positive behavior supports, along with their respective building leadership teams. Beginning in September 2006, the school psychologists will receive monthly technical assistance from NJSIG project staff to prepare them to facilitate their leadership teams to implement SWPBS. **(Activity: 2005-2006 through 2007-2008)**

- V. Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**

# SPP Template – Part B (3)

## New Jersey State

Page 1 of 2

U.S. DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION  
AND REHABILITATIVE SERVICES  
OFFICE OF SPECIAL EDUCATION  
PROGRAMS

OMB NO.: 1820-0621

FORM EXPIRES: 8/31/2007

TABLE 5, SECTION A

REPORT OF CHILDREN WITH DISABILITIES UNILATERALLY REMOVED TO AN INTERIM ALTERNATIVE  
EDUCATIONAL SETTING, OR SUSPENDED OR EXPELLED FOR MORE THAN 10 DAYS:  
SCHOOL YEAR 2004-2005

STATE: NJ -NEW JERSEY

### Section A

Children with Disabilities Ages 3-21	1. Unilateral Removals to an Interim Alternative Educational Setting by School Personnel			2. Removals to an Interim Alternative Educational Setting Based on a Hearing Officer Determination Regarding Likely Injury	3. Suspensions or Expulsions > 10 Days'		
Disability	A. Unduplicated Count of Children	B. Number of Unilateral Removals for Drugs	C. Number of Unilateral Removals for Weapons	Unduplicated Count of Children	A. Unduplicated Count of Children	B. Number of Single Suspension/ Expulsions > 10 Days	C. Number of Children with Multiple Suspension/ Expulsions Summing to > 10 Days
1. Mental Retardation	1	0	1	0	22	0	22
2. Hearing Impairments	0	0	0	0	4	1	3
3. Speech/Language Impairments	0	0	0	0	14	0	14
4. Visual Impairments	0	0	0	0	1	0	1
5. Emotional Disturbance	8	4	4	1	205	5	200
6. Orthopedic Impairments	0	0	0	0	0	0	0
7. Other Health Impairments	5	2	3	1	64	4	61
8. Specific Learning Disabilities	20	10	10	2	706	37	674
9. Deaf-Blindness	0	0	0	0	0	0	0
10. Multiple Disabilities	9	4	5	0	149	7	142
11. Autism	0	0	0	0	0	0	0
12. Traumatic Brain Injury	0	0	0	0	6	1	5
13. Developmental DelW	-9	-9	-9	-9	-9	-9	-9
14. Total	43	20	23	4	1171	55	1122

'Include only out-of-school suspensions. 2 States must have defined and established eligibility criteria for developmental delay in order to use this category for reporting.

COMPUTED TOTALS 43 20 23 4 1171 55 1122

ORIGINAL SUBMISSION  
CURRENT DATE~ October 27,2005

**Indicator #4B: Suspension/Expulsion (New Indicator)****Part B State Performance Plan (SPP) for 2005-2010****Monitoring Priority: FAPE in the LRE****Indicator: #14B - Rates of suspension and expulsion**

- B. Percent of districts identified by the State as having a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year of children with disabilities by race and ethnicity.**

**Measurement:**

B. Percent = # of districts identified by the State as having significant discrepancies in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year of children with disabilities by race and ethnicity divided by # of districts in the State times 100.

**The State must include a definition of “significant discrepancy.”**

**Overview of Issue/Description of System or Process:**

**Describe how data are to be provided in the FFY 2005 APR due February 1, 2007. Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY APR due 02/01/07.**

NJOSEP intends to collect the required disciplinary data by race and ethnicity through New Jersey's Electronic Violence and Vandalism Reporting System (EVVRS), which is reported directly over the Internet.

The collection of data for general education students relates only to the four categories of violence, vandalism, weapons and substance abuse. The collection of data with respect to students with disabilities is the same information required by Table 5, Section A, Columns 3A, 3B and 3C of the Report of Children with Disabilities Unilaterally Removed or Suspended/Expelled for More than 10 Days of the Annual Report of Children Served. The data collection for students with disabilities is not limited to the four categories of violence, vandalism, weapons and substance abuse. Rather, this collection includes disciplinary action for any violation of the school's code of conduct that results in removals summing to more than 10 days or for a single episode that results in a removal for more than 10 consecutive days.

The following information is collected:

- The number of removals summing to 10 school days in a year
- The number of removals of more than 10 (consecutive) school days in a year
- The unduplicated count of students with disabilities

- The racial and ethnic background of the students

NJOSEP intends to group districts by total enrollment and through appropriate statistical methods, develop a definition of significant discrepancy within each population grouping in order to report baseline data and targets in the FFYAPR due 02/01/07.

**Baseline Data for FFY 2004 (2004-2005): N/A – information not required in SPP December 2005**

**Discussion of Baseline Data: N/A – information not required in SPP December 2005**

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>N/A– information not required in SPP December 2005</b>
<b>2006</b> (2006-2007)	<b>N/A– information not required in SPP December 2005</b>
<b>2007</b> (2007-2008)	<b>N/A– information not required in SPP December 2005</b>
<b>2008</b> (2008-2009)	<b>N/A– information not required in SPP December 2005</b>
<b>2009</b> (2009-2010)	<b>N/A– information not required in SPP December 2005</b>
<b>2010</b> (2010-2011)	<b>N/A– information not required in SPP December 2005</b>

**Improvement Activities/Timelines/Resources: N/A— Information not required in SPP December 2005**

## **Indicator #5: School Age LRE**

### **Part B State Performance Plan (SPP) for 2005-2010**

#### **Overview of the State Performance Plan Development: School Age LRE**

Indicator # 5, Placement in the Least Restrictive Environment for students with disabilities, ages 6 to 21, was discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator # 5 and reviewed the most recent baseline data and trend data for three school years beginning with the 2002-2003 school year and ending with the 2004-2005 school year. The data presented included a comparison of statewide placement data with the national baseline for all students with disabilities and a comparison of the placement data by eligibility category with state and national data. The review also noted where there were improvements in the last three years as well as where slippage had occurred. While NJOSEP staff reviewed data on the three placement categories to be addressed in the SPP, emphasis was focused on the category of separate settings as the percent of students with disabilities educated in separate settings in New Jersey is slightly more than two and a half times the national average.

Additionally, NJOSEP staff discussed regulations proposed to the New Jersey State Board of Education, on November 2, 2005, supporting the placement of students with disabilities in general education programs.

#### ***Stakeholder Input:***

A discussion with the stakeholder group ensued, regarding possible reasons for the high percentage of students with disabilities being educated in separate settings. The following explanations were offered by the stakeholders:

- A history of private schools within the state
- Lack of space within district
- Parental preference
- Low incidence populations
- A perception that districts do not have the expertise to instruct students with challenging academic and behavioral needs
- The lack of specialized programs being operated on the site of public school campuses
- A lack of funding/incentives to establish programs within school districts

The following points were also discussed:

- To move a percentage point in one category means changing the placements of more than 2100 students with disabilities for the first year.
- The system is fluid with students entering and exiting the system as well as students moving in and out of placement categories.
- Changes in the percentage of students educated in separate settings may initially increase the percentage of students who are removed from the general education classroom for more than 60% of the day.

Following the presentation of data and the large group discussion, the stakeholders were divided into four groups to set targets and identify strategies that would likely be effective in meeting the targets. This small group activity was facilitated by Dr. Kristin Reedy, NERRC.

With respect to setting targets for placement in a separate setting, the stakeholders seemed to reach consensus and suggested a target of 8% by the 2010-11 school year. Suggested strategies to meet the targets included:

- Continue to review data:
  - Look at the number of students who are in 40% to 80% category for movement in the system
  - By age, race and district size
  - Determine the category of disability for students who are placed in out of district placements
- Focus new construction on the needs of students with disabilities
- Training
  - Training staff in general classrooms on how to work with students who have mild cognitive disabilities
  - All staff should be trained on least restrictive environment
  - Educate parents on the benefits of inclusion
- Review policies at the district level
- Create guidelines for districts to follow
- Promote creative partnerships between school districts and separate private and public schools to develop inclusive programs and models
  - Give grants to increase funding to bring students back into district
- Each student placed in separate settings should have a plan for transitioning the student back into the district
  - Involve parents in the planning process
- Districts should have a staff person “dedicated” to promoting inclusion
  - Administrators of successful inclusion efforts should mentor administrators of districts in need
- Positive outcomes of inclusion should be reported
  - Achievement data
  - Reallocation of staff resources
  - Fiscal savings

All participants agreed that additional meetings are needed to further review the topic of LRE and determine whether any adjustments might be needed in the targets or improvement activities/strategies.

***(The following items are to be completed for each monitoring priority/indicator.)***

<b>Monitoring Priority: FAPE in the LRE</b>
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**Indicator #5 - Percent of children with IEPs aged 6 through 21:**

- A. Removed from regular class less than 21% of the day;**
- B. Removed from regular class greater than 60% of the day; or**
- C. Served in public or private separate schools, residential placements, or homebound or hospital placements.**

- Measurement:** A. Percent = # of children with IEPs removed from regular class less than 21% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- B. Percent = # of children with IEPs removed from regular class greater than 60% of the day divided by the total number of students aged 6 through 21 with IEPs times 100.
- C. Percent = # of children with IEPs served in public or private separate schools, residential placements, or homebound or hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

#### Overview of Issue/Description of System or Process:

New Jersey regulations at Chapter 6A:14 require that all students be educated in the least restrictive environment, and that the first consideration for placement of all students shall be the general education classroom. Determination of restrictiveness of placement is in accordance with the above measurements.

#### Baseline Data for FFY 2004 (2004-2005):

- A. 41.9% of students with disabilities were removed from regular class less than 21% of the day
- B. 17.8% of students with disabilities were removed from regular class greater than 60% of the school day
- C. 10.3% of students with disabilities were served in public or private separate schools, residential placements, or homebound or hospital placements

#### Discussion of Baseline Data:

To assist in establishing the targets and to obtain information regarding strategies that would likely result in meeting the targets, the NJOSEP reviewed statewide trend data for the last three years according to the placement categories addressed in the SPP.

**Table 1**  
**Statewide Trend Data**

School Year	Removed < 21% #	%	Removed >60% #	%	Separate Settings #	%	# of SWD
02-03	84,425	41.2	35,948	17.5	21,055	10.3	205,077
03-04	86,869	41.6	36,108	17.3	21,469	10.3	208,804
04-05	88,870	41.9	37,769	17.8	21,848	10.3	212,258

Statewide trend data, Table 1 above, revealed that the percentage of students with disabilities removed from the general education setting less than 21% of the day has slowly and steadily increased since the 2002-2003 school year, which represents improvement. The percentage of students with disabilities removed from general education settings for more than 60% of the day has increased by 1.7% from the 2002-2003 school year. It is not possible to determine with certainty whether this represents improvement or set back as the data system does not have the capability of tracking individual students to determine where the students were placed previously or whether these are students entering the system for the first time. Additionally, the data revealed that the percentage of students with disabilities who are placed in separate settings has remained constant over the last three years.

The percentage of students removed for less than 21%<sup>3</sup> or removed for greater than 60%<sup>4</sup> of the day is near the national average, while the percentage of students with disabilities in separate settings<sup>5</sup> is approximately two and a half times greater than the national average. While continuing efforts to improve opportunities for students with disabilities to be included in general education settings, the NJOSEP will pay particular attention to reducing the percentage of students with disabilities who are placed in separate settings. Towards that end, NJOSEP reviewed additional data including the percentage of students within an eligibility category placed in separate settings, improvement or slippage and the percentage of students placed in separate settings by eligibility category compared with all students with disabilities in separate settings.

**Table 2**  
**Eligibility Category: Multiply Disabled**

<b>School Year</b>	<b># Removed &lt;21%</b>	<b>%</b>	<b># Removed &gt;60%</b>	<b>%</b>	<b># Separate Settings</b>	<b>%</b>	<b># of Students MD</b>
02-03	2,650	11.2	7,169	30.3	8,840	37.3	23,688
03-04	2,941	11.8	7,283	29.2	9,144	36.6	24,953
04-05	3,357	12.7	7,772	29.4	9,487	35.9	26415

As reflected in Table 2 above, there has been a steady increase in the percentage of students in the Multiply Disabled (MD) eligibility category, who are removed for less than 21% of the day (an 11.8% increase from the 02-03 school year). However, the percentage of students in the MD eligibility category

<sup>3</sup> The numbers and percentages cited here differ from those reported to the US Department of Education (USDOE) on the December 1 counts because they do not include students with disabilities served in nonpublic schools. For the 04-05 school year, the percentage of students reported to USDOE who were removed from the general education setting less than 21% of the day is 46%. This represents a 4% difference from the national baseline of 50%.

<sup>4</sup> The numbers and percentages cited here differ from those reported to the US Department of Education on the December 1 counts because they do not include students with disabilities served in nonpublic schools. For the 04-05 school year, the percentage of students reported to the USDOE who were removed for more than 60% of the day is 16%. This represents a 3% difference from the national baseline of 19%.

<sup>5</sup> The numbers and percentages cited here differ from those reported to the US Department of Education (USDOE) on the December 1 counts because they do not include students with disabilities served in nonpublic schools. For the 04-05 school year, the percentage of students reported to the USDOE who were placed in separate settings was 9.6%. This represents a two and a half times the national baseline of 3.8%.



who are removed from general education less than 21% of the day is 12.7% as compared with the state rate of 41.9%. Almost 36% of students in the MD eligibility category are placed in separate settings. While there has been a steady decrease (a 3.8% decrease from the 02-03 school year) in the percentage of students that are placed in separate settings, the percentage is more than three times the state rate of all students with disabilities in separate settings.<sup>6</sup> Additionally, students in the MD eligibility category represent 12.4% of all students with disabilities in New Jersey and 43.2% of all students placed in separate settings for the 04-05 school year.

**Table 3**  
**Eligibility Category: Emotionally Disturbed**

<b>School Year</b>	<b># Removed &lt;21%</b>	<b>%</b>	<b># Removed &gt;60%</b>	<b>%</b>	<b># Separate Settings</b>	<b>%</b>	<b># of Students ED</b>
02-03	2,961	21.8	2,775	20.4	4,617	34	13,599
03-04	3,102	23.5	2,651	20.1	4,408	33.4	13,189
04-05	3,039	24.0	2,627	20.7	4,152	32.8	12,677

Table 3 above, indicates that there has been a steady increase in the percentage of students removed for less than 21% of the day (a 10% increase from the 02-03 school year). However, 24% of students in the Emotionally Disturbed (ED) eligibility category are removed from the general education setting less than 21% of the day as compared with the state rate of 41.9% for all students with disabilities. However, nationally, the percentage of students in the ED eligibility category, removed from the general education setting for less than 21% of the day, is 30%.<sup>7</sup> Approximately 33% of students in the ED eligibility category are placed in separate settings. While there has been a steady decrease in the percentage of students placed in separate settings (a 5.8% decrease from the 02-03 school year), the percentage of students in the ED eligibility category placed in separate settings is three times the state rate of all students with disabilities in separate settings. In addition, the percentage of students in the ED eligibility category educated in separate settings in New Jersey is approximately twice the national baseline (16.9%)<sup>8</sup> of students in the ED eligibility category placed in separate settings. Additionally, students in the ED eligibility category represent 6% of all students with disabilities in New Jersey and 19% of all students placed in separate settings for the 04-05 school year.

<sup>6</sup> National data for students who are Multiply Disabled are reported together with data for other low prevalence disabilities. Therefore, no comparison with national data is offered with respect to this eligibility category.

<sup>7</sup> Based on the December 1, 2003 count updated as of July 31, 2004 and reported by the U.S. Department of Education, Office of Special Education Programs, Data Analysis System.

<sup>8</sup> Based on the December 1, 2003 count updated as of July 31, 2004 and reported by the U.S. Department of Education, Office of Special Education Programs, Data Analysis System.

**Table 4**  
**Eligibility Category: Specific Learning Disability**

<b>School Year</b>	<b># Removed &lt;21%</b>	<b>%</b>	<b># Removed &gt;60%</b>	<b>%</b>	<b># Separate Settings</b>	<b>%</b>	<b># of Students SLD</b>
02-03	41,042	39.7	16,258	15.7	2,142	2	103,324
03-04	41,412	40.7	15,639	15.4	2,107	2	101,760
04-05	41,001	41.2	15,766	15.8	2,094	2	99,528

Students in the Specific Learning Disability (SLD) eligibility category, Table 4 above, represent 47% of all students with disabilities in New Jersey. The data revealed that the distribution of these students is near the national baseline (49%) for the percentage of students in the SLD eligibility category removed for less than 21% of the day and is slightly above the national baseline (13%) for students in the SLD eligibility category removed more than 60% of the day. Although the percentage is significantly below the state baseline, the percentage of students in the SLD eligibility category is twice the national baseline (1%) for students in the SLD eligibility category in separate settings.

**Table 5**  
**Eligibility Category: Autistic**

<b>School Year</b>	<b># Removed &lt;21%</b>	<b>%</b>	<b># Removed &gt;60%</b>	<b>%</b>	<b># Separate Settings</b>	<b>%</b>	<b># of Students Autistic</b>
02-03	576	13.8	1,159	27.9	2,022	48.6	4,161
03-04	747	15.2	1,378	28.0	2,293	46.6	4,919
04-05	927	16.2	1,651	28.8	2,553	44.5	5,738

There has been a 17.4% increase from the 02-03 school year in the percentage of students in the Autistic eligibility category who have been removed for less than 21% of the day (Table 5 above). While this represents significant improvement, the percentage of students in the Autistic category, who are removed from the general education setting less than 21% of the day, is 16.2% as compared with the state rate of 41.9%. While there has been a 6.4% decrease in the percentage of students in the Autistic category placed in separate settings from the 02-03 school year, the percentage of students in the Autistic

category placed in separate settings is four times the state rate of all students with disabilities in separate settings.<sup>9</sup> Additionally, students in the Autistic category represent 2.7% of all students with disabilities in New Jersey and 11.7% of all students with disabilities placed in separate settings for the 04-05 school year.

**Table 6**  
**Eligibility Category - Other Health Impaired**

<b>School Year</b>	<b># Removed &lt;21%</b>	<b>%</b>	<b># Removed &gt;60%</b>	<b>%</b>	<b># Separate Settings</b>	<b>%</b>	<b># of Students OHI</b>
02-03	6,098	46.9	1,846	14.2	840	6.5	13,009
03-04	7,793	48	2,179	13.4	964	5.9	16,225
04-05	9,345	48	2,596	13.4	1,130	5.9	19,252

As indicated in Table 6 above, forty-eight percent (48%) of students in the Other Health Impaired (OHI) eligibility category are removed for less than 21% of the day. The percentage exceeds the state baseline and is almost on par with the national baseline. The percentage represents a 2% increase from the 02-03 school year. The percentage of students in the OHI category who are placed in separate settings is almost 6%. There has been a 9% decrease in the percentage of students in the OHI category placed in separate settings from the 02-03 school year. The percentage of students in the OHI category who are placed in separate settings is approximately one and a half times the national baseline, but less than the state rate of all students with disabilities in separate settings. Additionally, students in the OHI category represent 9% of all students with disabilities in New Jersey and 5.2 % of all students with disabilities placed in separate settings for the 04-05 school year.<sup>10</sup>

<sup>9</sup> National data for students with Autism are reported together with data for students with low prevalence disabilities including multiple disabilities, deaf-blind, traumatic brain injury, hearing impairments and visual impairments. Therefore, no comparison with national data is offered.

<sup>10</sup> National data for students who are other health impaired are reported together with data for students with orthopedic impairments. Therefore, no comparison with national data is offered.

**Table 7**  
**Eligibility Category: Mental Retardation**

School Year	# Removed <21%	%	# Removed >60%	%	# Separate Settings	%	# of Students MR
02-03	409	6.6	3030	48.8	1394	22.5	6,209
03-04	413	6.5	3115	49.3	1409	22.3	6,322
04-05	304	4.8	3271	51.9	1340	21.2	6,306

Approximately 5% of students in the Mental Retardation (MR) eligibility category are removed for less than 21% of the day as compared with 41.9% of all students with disabilities (Table 7 above). This represents a 25.6% decrease from the 02-03 school year. More than half of all students in the MR category are removed from the general education setting for more than 60% of the day. This is almost three times the state baseline. The percentage of students in the MR category placed in separate settings is 21.2% and has decreased from the 02-03 school year by 5.8%. However, the percentage of students in the MR category in separate settings is twice the state average for all students with disabilities in separate settings. Additionally, the percentage of students in the MR category who are served in separate settings is more three times the national baseline (6.3%) of students in the MR category in separate settings. Students in the MR category represent .03% of all students with disabilities in New Jersey and 6.1 % of all students with disabilities placed in separate settings for the 04-05 school year.

The USDOE reports data for low prevalence disabilities which includes students with Hearing Impairment, Traumatic Brain Injury, Deaf-Blindness, Autism and Visually Impairments. The national baseline for students with low prevalence disabilities in separate settings is 16.4%<sup>11</sup>. In New Jersey, 35.9% of students with low prevalence disabilities were placed in separate settings for the 04-05 school year.

#### **Summary:**

Students in the SLD eligibility category represent almost half of the students with disabilities in New Jersey. The distribution of these students across placement categories appears to approximate state and national baselines with respect to students who are removed for less than 21% of the day and who are removed for more than 60% of the day. However, with respect to students with SLD who are served in separate settings, the percentage in New Jersey is twice the national baseline. Thus, while NJOSEP must remain vigilant to ensure that districts continue to provide opportunities in the general education setting for students in the SLD category, efforts must also focus on students in other eligibility categories. Students who are in the MD, Autism, ED or MR eligibility categories collectively represent approximately 21% of all students with disabilities in New Jersey (45,574 students with disabilities). However, they represent 80% of the students with disabilities served in separate settings. Efforts to include students with disabilities in general education settings must focus on students in these eligibility categories.

<sup>11</sup> Based on the December 1, 2003 count updated as of July 31, 2004 and reported by the U.S. Department of Education, Office of Special Education Programs, Data Analysis System.

FFY	Measurable and Rigorous Target
<b>2005 (2005-2006)</b>	<p>A. <b>41.9</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>17.8</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>10.3</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<b>2006 (2006-2007)</b>	<p>A. <b>42.1</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>18.0</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>10.0</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<b>2007 (2007-2008)</b>	<p>A. <b>42.5</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>18.5</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>9.5</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<b>2008 (2008-2009)</b>	<p>A. <b>43.0</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>19.0</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>9.0</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<b>2009 (2009-2010)</b>	<p>A. <b>43.5</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>19.0</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>8.5</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>
<b>2010 (2010-2011)</b>	<p>A. <b>44.0</b> percent of students with disabilities will be removed from regular class less than 21% of the day.</p> <p>B. <b>19.0</b> percent of students with disabilities will be removed from regular class greater than 60% of the day.</p> <p>C. <b>8.0</b> percent of students with disabilities served in public or private schools, residential placements or homebound or hospital placements.</p>

**Improvement Activities/Timelines/Resources:****NOTE: \*\*\*\* Indicates Activity Recommended by Stakeholders****I. Data Analysis**

- a. **Specific Data Analysis:** NJOSEP will review placement data by age range, size of district, and racial/ethnic groups to determine whether any adjustments should be made to targets or improvement activities/strategies. The results of this data review and analysis will be shared at future stakeholder meetings. **(Activity: 2005-2006)\*\*\***
- b. **Ongoing Data Analysis:** NJOSEP will continue to review all placement data to determine whether strategies and activities are effective in meeting the targets. The results of this data review and analysis will be shared at future stakeholder meetings. **( Ongoing Activity: 2005-2006 through 2010-2011)**

**II. Policy and Regulation:**

- a. **Proposed Regulations:** On November 2, 2005, the department proposed several regulatory changes intended to facilitate placement of students with disabilities in general education programs. These proposed regulations include, but are not limited to:
  - When a student is placed in a separate setting, activities necessary to transition the student to a less restrictive placement must be considered annually;
  - Students may not be removed from the general education classroom solely based on needed modifications to the general education curriculum;
  - Clarification that the restrictiveness of a program option is based solely on the amount of time a student is educated outside the general education setting;
  - Clarification was provided that all students shall be considered for education in the general education class with supplementary aids and services including:
    - Curricular or instructional modifications;
    - Individual instruction;
    - Assistive technology;
    - Teacher aides;
    - Related services;
    - Integrated therapies;
    - Consultation services; and
    - In-class resource programs.
  - Supplemental aids and services must be provided in the general education classroom to enable students with disabilities, to the greatest extent possible, to be educated with non-disabled peers;
  - Teacher aides may provide supplementary support in areas including:

- Prompting, cuing and redirecting student participation;
- Reinforcing of personal, social, behavioral, and academic learning goals;
- Organizing and managing materials and activities; and
- Implementation of teacher-designed follow-up and practice activities.

**(Activity: 2005-2006)**

**b. Revised Private School Application Process:** In June of 2004 the NJDOE initiated a moratorium on submission of applications for approval as a private school for students with disabilities so that NJOSEP staff could revise the application procedures. The revised application process was finalized in February 2005. Listed below are some of the additional/revised requirements:

- An enhanced program description, including activities to ensure enrolled students have an opportunity to interact with non-disabled peers; expanded description of the behavior management system, including current research studies upon which the behavior management system will be based and staff training in behavior management practices;
- An expanded description of curriculum;
- A student and program evaluation component;
- Information on personnel requirements, which previously addressed certification and criminal record review has been expanded to address the highly qualified teacher requirements of NCLB;
- A component for pre-service and in-service training for staff.

In addition to the existing regulatory compliance review by NJOSEP staff of the proposed program description, a program quality review was added. This review will include a panel of professionals with demonstrated knowledge and experience in the area(s) of educational disabilities that the proposed program intends to serve.

The procedures continue to ensure that there is a need for the new program. Potential referrals must total a minimum of 24 public school placements, within appropriate age ranges and with similar special education needs. Needs assessment data must document that special classes can be formed according to guidelines contained in the New Jersey Administrative Code 6A:14-4.

A new component of the application process involves a subsequent review by a county panel, consisting of county superintendent or designee, public school district representatives, and receiving school representative(s) who will contact districts and exiting receiving schools to ensure that no other existing appropriate programs are available that can serve these students. **(Ongoing Activity: 2005-2006 through 2010- 2011)**

**c. Legislative Collaboration:** NJOSEP will examine the need for legislative activity in order to further the development of inclusive educational programs. **(Activity: 2005-2006)**

**III. Implementation of Adopted Regulations:** Following the adoption of the New Jersey Administrative Code a series of training sessions will be conducted to assist in the implementation of the requirements listed above. **(Activity: 2006-2007 through 2008-2009)**

- IV. Self-Assessment/Monitoring and Focused Monitoring:** As part of the current compliance monitoring process, districts and charter schools review their placement data relative to state averages and identify areas of need related to placement in the least restrictive environment, the availability of a continuum of services and the decision making process which is documented in each student's IEP. Monitors verify the self-assessment findings during an onsite visit. Monitors also review improvement plans. Implementation of the plans is verified by the County Supervisor of Child Study from the county where the district is located. Although a number of districts have identified placement as an area of need, and implemented strategies to increase the number of students in general education settings, statewide data have not changed significantly.

As a result, NJSOEP will institute a focused monitoring system which will target those districts with the highest number of students in separate placements. Ten districts will be selected each year and a team of monitors and technical assistance providers will work with the district to review district procedures, policies and practices for prereferral intervention, identification, evaluation, eligibility determinations and IEP development to identify the root causes for the high rate of placement in separate settings. Both building and district level policies and practices will be reviewed. The team will work with the district to develop an improvement plan to achieve compliance and expand general education options for students.

A compliance monitoring process, including self-assessment and improvement plan development will also be instituted beginning in FFY 2006 requiring districts to complete more extensive analysis of placement trends. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- V. Targeted Technical Assistance:** Districts identified as non-compliant for issues related to placement of students with disabilities in the least restrictive environment and/or high rates of placement in separate special education settings will be targeted for technical assistance regarding the development and implementation of improvement strategies including the development of a plan to transition students from separate special education settings to education settings with nondisabled peers. **(Ongoing Activity: 2005-2006 through 2010-2011)\*\*\*\*\***

- VI. Local Capacity Building and Improvement Grants/Inclusion Facilitation Network:** NJOSEP has continued to support implementation of its Local Capacity Building and Improvement Grants intended to serve as a catalyst for systemic change. Targeted local school districts originally had a percentage of 6% or greater of students with disabilities educated in separate education and/or facilities. The Cadre 1 grants will continue through September 30, 2006 and the Cadre 2 grants will be implemented through September 30, 2007.

For the remainder of the grant project period, grant implementation will be supported by NJOSEP, through its partnership with the Boggs Center, UMDNJ and the NJOSEP Learning Resource Center Network. Capacity districts will have the opportunity to participate in training and technical assistance sessions in a variety of areas, including but not limited to:

- use of assistive technology to support students with disabilities in general education programs;
- use of paraeducators to support students with disabilities in general education programs; and
- strategies for sustainability of inclusive practices including allocation/reallocation of staff and fiscal resources.

In addition, a resource document will be developed by the Boggs Center, documenting effective practices used by the Capacity Building Districts. The document will be disseminated statewide and posted on the NJDOE website and will provide a means of publicizing "success stories." as suggested by the stakeholder group. **(Activity: 2005-2006 through 2007-2008) \*\*\*\*\***



- VII. Planning Grants:** NJOSEP will develop cooperative grant agreements that will be offered to local school districts for the purpose of initiating or continuing the process of planning the transition of students with disabilities from separate special education settings to general education programs. with the highest placement of students with disabilities in separate special education settings. **(Activity: 2005-2006 through 2008-2009)**

**VIII. State Capacity Building**

**a. Inclusive Support Options**

- i. Assistive Technology Training, Technical Assistance, and Guidelines:** NJOSEP, through the NJSIG partnership with the New Jersey Department of Human Services, Office of Education, is planning a series of training sessions for local school district personnel focused on the consideration of assistive technology to support the education of students with disabilities in general education sessions. During the 2005-2006 and 2006-2007 school years, teams of school personnel will be trained on “Integration of Assistive Technology in the Educational Process.” Participants will also be invited to attend an Assistive Technology Vendor Fair where they will have an opportunity to learn more about assistive technology devices. The content of the training sessions will be translated into guidelines that will be disseminated to school districts during the 2006-2007 school year. **(Activity: 2005-2006 through 2006-2007)**
- ii. Assistive Technology Technical Assistance Center:** NJOSEP will develop a targeted, competitive Notice of Grant Opportunity for the establishment of an Assistive Technology Technical Assistance Center. It is intended that the services provided by the Center will include, but not be limited to:
  - Information and Referral Services
  - Equipment Consultations and Demonstrations
  - Lending Libraries of Equipment, Adaptive Devices, Augmentative Communication Devices and Toys
  - Assistive Technology Workshops and Technical Assistance
  - Product and Vendor Information.

The request for proposal will be developed 2005-2006; released no later than September 2006; with an anticipated start date of May 2007. The funding for the Center will be for a thirty-six month period. **(Activity: 2005-2006 through 2009-2010)**

- b. School-wide Positive Behavior Support Team:** In order to “scale-up” the use of school-wide behavior supports, as a means of building district capacity to educate students with disabilities in general education programs, NJOSEP is expanding the NJSIG staff at the Boggs Center, UMDNJ to provide training and technical assistance to targeted districts. Among the targeted districts are those placing a high percentage of students with disabilities and/or a disproportionate number of minority students, in separate special educational settings because of behavioral challenges. **(Activity: 2005-2006 through 2007-2008).**
- c. Paraeducator Guidelines and Technical Assistance Sessions:** NJOSEP, through the NJSIG partnership agreement with the Boggs Center, UMDNJ is developing guidelines that clarify the role of paraeducators in supporting students with disabilities in general education programs. Additionally, the guidelines will describe the “Instructional Triad Model”

consisting of a general education teacher, paraeducator, and a special education staff member who work collaboratively to plan and implement the supports provided by a paraeducator. NJOSEP has been piloting the triad model in six districts and has prepared training material that will be incorporated into the paraeducator guidelines. The paraeducator guidelines will be disseminated in the Fall 2006 and technical sessions will be conducted statewide beginning in the Fall 2006. **(Activity: 2005-2006 through 2010-2011).**

- d. **Inclusion Family Institutes and Teleconferences:** NJOSEP, through the NJSIG partnership with the Statewide Parent Advocacy Network (SPAN), will continue to conduct Inclusion Institutes on a regional basis that highlight the benefits of inclusion and provide a forum for discussing implementation issues. Additionally, SPAN through the NJSIG, will organize and implement a statewide teleconference similarly highlighting the benefits of inclusion and examples of effective inclusive practices. **(Activity 2005-2006 through 2006-2007)**
- e. **Intensive Early Literacy Initiative:** A cooperative grant agreement, *Providing Quality Intensive Early Literacy Instruction to Students with Disabilities*, was made available to each of the Abbott districts, with the expectation that programs, kindergarten through grade 4, will be organized to improve instruction in general education to eliminate inappropriate and unnecessary referral of students to special education and to ensure quality early literacy instruction for students appropriately identified as eligible for special education. Through this grant agreement, it is expected that an increased number of students with disabilities will receive high quality literacy instruction in general education programs. **(Activity 2005-2006 through 2006-2007)**
- f. **Educational Interpreter Professional Development Centers:** NJOSEP continues to fund two Educational Interpreter Professional Development Centers to support the certification for an Educational Interpreter adopted by the State Board of Education in December 2003. The centers were established to provide the following services: (a) assessment of interpreting performance skills for Sign Language, Cued Speech and Oral Transliteration; (b) development of performance skill improvement plans; (c) professional development activities for the purpose of improving skill level and fluency; (d) review of transcripts and (e) the provision of 15 semester hour credits of professional education coursework. **(Activity: 2005-2006)**

- IX. **Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity 2005-2006) \*\*\*\*\***

**Indicator #6: Preschool LRE****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 6, Preschool LRE, was discussed at the second stakeholder meeting held on November 3, 2005. The presentation of Indicator # 6 followed the presentation of Indicator # 5, School Age LRE. NJOSEP staff (619 Programs) presented an overview of the indicator and provided information to the stakeholders on the federal categories for reporting preschool placement data, since it is significantly different than school-age. The discussion included information regarding the requirements for local districts that are not mandated to administer general education preschool programs (77% of the districts) and the requirements for local districts that are mandated to provide general education preschool programs (23%).

***Stakeholder Input:***

Possible reasons for the high percentage of preschool children with disabilities being placed in separate special classes were discussed with the stakeholders. The reasons were similar to those noted in Indicator # 5 for the school aged population. In addition, the following challenges were discussed:

- A history of private schools within the state providing preschool programs;
- The lack of typical early childhood programs being operated on the site of public school campuses;
- A lack of funding/incentives to establish general education early childhood programs within school districts;
- Barriers to the provision of FAPE in the LRE in districts that do not administer or contract for general education preschool programs include: space, additional program administration, program requirements, contracts and teacher certification;
- Barriers to the provision of FAPE in the LRE for districts mandated to provide early childhood educational programs (Abbott districts) include: responding to both the mandates for class size and the provision of services to children transitioning from early intervention on their third birthday at varying times through the school year as well as the provision of supports in district contracted early childhood centers;
- Historically, very few preschool children receive early childhood special education in the home, which is considered an inclusive environment according to the measurement for this indicator; and
- A lack of funding/incentives to establish programs within school districts

Following the presentation of data and the large group discussion, the stakeholders were divided into four groups to set targets and identify strategies that would likely be effective in meeting the targets. This small group activity was facilitated by Dr. Kristin Reedy, NERRC and followed the same structure as the School Age LRE activity.

With respect to setting the target for increasing inclusive environments for preschoolers with disabilities, the suggested targets ranged from 30% to 50% by the 2010-11 school year. Suggested strategies to meet the targets included:

- Continue to review data annually with stakeholders.

- District long range facility plans (5 years) provide appropriate space for preschool programs designed to include preschool children receiving special education and related services.
- Encourage districts to open early childhood programs by providing the following incentives:
  - Grants
  - Strong Curriculum
  - State provided technical assistance and best practices
  - Charge tuition
- Training
  - Training for district child study team members and parents on the research supporting the inclusion of preschool children with disabilities in early childhood environments with their peers.
  - All staff should be trained on least restrictive environment, the options for preschool and the continuum.
- Review policies at the district level.
- Create guidelines for districts to follow in the provision of information to families supporting inclusion at preschool.
- Promote creative partnerships between school districts and separate private and public schools to develop inclusive programs and models.
- Require districts to partner with local community based programs.
- Require districts to identify on a preschool child's IEP a percentage of the day/week to be with non-disabled peers.
- Continued education of families, early intervention providers, and district to the benefits of inclusion beginning at preschool.
- Education and technical assistance to the early childhood system.
- Districts should have a staff person "dedicated" to promoting inclusion.
- Administrators of successful inclusion efforts should mentor administrators of districts in need.
- Positive outcomes of inclusion should be reported.
- Create fiscal incentives for districts to support the cost of early childhood settings to increase the implementation of IEP's for preschool children in the least restrictive environment.
- Create fiscal incentives for the regionalization of services for the preschool population.

All participants agreed that additional meetings are needed to further review the topic of LRE and determine whether any adjustments might be needed in the targets or strategies.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: FAPE in the LRE**

**Indicator #6:** Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).

(20 U.S.C. 1416(a)(3)(A))

**Measurement:**

Percent = # of preschool children with IEPs who received all special education services in settings with typically developing peers divided by the total # of preschool children with IEPs times 100.

**Overview of Issue/Description of System or Process:**

New Jersey regulations at Chapter 6A:14 require that all students be educated in the least restrictive environment, and that the first consideration for placement of all students, including preschool children, shall be the general education classroom.

**Baseline Data for FFY 2004 (2004-2005):**

**Statewide Trend Data**

Providing Access to Early Childhood Programs to Children with IEPs (Ages 3-4)									
December 1 Counts									
	Total	GEN_ED	SPEC_ED	GEN_SPEC	IT_HOME	IT_NOT_HOME	SEP_PUB	SEP_PRI	RES
2001	9,632	1,458	6,111	497	62	23	799	682	0
2002	10,519	1,762	6,758	388	65	24	756	757	9
2003	11,106	1,018	7,224	1,042	84	412	642	682	2
2004	11,615	1,198	7,569	1,079	74	281	791	622	1
Percentages									
		GEN_ED	SPEC_ED	GEN_SPEC	IT_HOME	IT_NOT_HOME	SEP_PUB	SEP_PRI	RES
2001	100%	15%	63%	5%	1%	0%	8%	7%	0%
2002	100%	17%	64%	4%	1%	0%	7%	7%	0%
2003	100%	9%	65%	9%	1%	4%	6%	6%	0%
2004	100%	10%	65%	9%	1%	2%	7%	5%	0%

**District data is available for the public on the Department of Education's web site.**

**Discussion of Baseline Data:**

Statewide, the preschool population identified as eligible for special education and related services has increased consistently by an average of six percent since 2001. The last two years show an increase in preschool inclusion of 2% and a decrease in separate settings of 2%.

The preschool population identified as eligible for special education and related services identified in the thirty-one Abbott school districts has decreased by an average of 6% every year since 2001. The data in 2004 shows the preschool inclusion rate average for Abbott districts is at 35%, higher than the state average of 23%.

**2004 Percentages**

- Early Childhood Setting 10.31%
- Part Time/Part Time 9.29%
- Home .64%
- Not at Home 2.42%
- Reported Percentage 23%

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>23%</b> of preschool children with IEPs receive all special education services in settings with typically developing peers
<b>2006</b> (2006-2007)	<b>25%</b> of preschool children with IEPs receive all special education services in settings with typically developing peers
<b>2007</b> (2007-2008)	<b>28%</b> of preschool children with IEPs receive all special education services in settings with typically developing peers
<b>2008</b> (2008-2009)	<b>30%</b> of preschool children with IEPs receive all special education services in settings with typically developing peers
<b>2009</b> (2009-2010)	<b>35%</b> percent of preschool children with IEPs receive special education services in settings with typically developing peers

2010 (2010-2011)	40% of preschool children with IEPs receive special education services in settings with typically developing peers
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**Improvement Activities/Timelines/Resources:****NOTE: \*\*\*\* Indicates Activity Recommended by Stakeholders****I. Data Analysis**

- a. **Specific Data Analysis:** NJOSEP will review placement data by age, size of district, and racial/ethnic groups to determine whether any adjustments should be made to targets or strategies. The results of this data review and analysis will be shared at future stakeholder meetings. **(Activity: 2005-2006)\*\*\***
- b. **Ongoing Data Analysis:** NJOSEP will continue to review all placement data to determine whether strategies and activities are effective in meeting the targets. The results of this data review and analysis will be shared at future stakeholder meetings. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**II. Policy and Regulation:** On November 2, 2005, the department proposed several regulatory changes intended to facilitate placement of students with disabilities in general education programs. These proposed regulations include:

- a mandate that, at least annually, activities necessary to transition a student in a separate setting to a less restrictive setting are considered by the IEP team;
- an assessment of a preschool child shall include a review of the preschool day and what accommodations and modifications may be required to participate in the classroom and activities; and
- the use of integrated therapies in the context of ongoing activities or routines and provided by personnel as set forth in the student's IEP. **(Activity: 2005-2006)**

**III. Implementation of Adopted Regulations:** Following the adoption of the New Jersey Administrative Code a series of training sessions will be conducted to assist in the implementation of the above requirements listed above. **(Ongoing Activity: 2006-2007 through 2008-2009)****IV. Self-Assessment/Monitoring and Focused Monitoring** As part of the current compliance monitoring process, districts and charter schools review their placement data relative to state averages and identify areas of need related to placement in the least restrictive environment, the availability of a continuum of services and the decision making process which is documented in each student's IEP. Monitors verify the self-assessment findings during an onsite visit. Monitors also review improvement plans. Implementation of the plans is verified by the County Supervisor of Child Study from the county where the district is located. Although a number of districts have identified placement as an area of need, and implemented strategies to increase the number of students in general education settings, statewide data have not changed significantly.

As a result, NJSOEP will institute a focused monitoring system which will target those districts with the highest number of students in separate placements. Ten districts will be selected each year and a team of monitors and technical assistance providers will work with the district to review district procedures, policies and practices for prereferral intervention, identification,

evaluation, eligibility determinations and IEP development to identify the root causes for the high rate of placement in separate settings. Both building and district level policies and practices will be reviewed. The team will work with the district to develop an improvement plan to achieve compliance and expand general education options for students.

A compliance monitoring process, including self-assessment and improvement plan development will also be instituted beginning in FFY 2006 requiring districts to complete more extensive analysis of placement trends. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- V. **Targeted Technical Assistance:** Districts identified as non-compliant for issues related to placement of students with disabilities in the least restrictive environment and/or high rates of placement in separate special education settings will be targeted for technical assistance regarding the development and implementation of improvement strategies including the development of a plan to transition students from separate special education settings to education settings with nondisabled peers. **(Ongoing Activity 2005-2006 through 2010-2011)\*\*\*\*\***

**Coordination of Efforts:** NJOSEP (619) will coordinate efforts with New Jersey Office of Early Childhood, (NJOEC) in the following areas: the dissemination of information on the importance of preschool curriculum for all students, the alignment of the curriculum to the New Jersey Preschool Teaching and Learning Expectations: Standards of Quality to a curriculum, and the utilization of an early childhood rating scale for classroom improvement and literacy improvement. The NJOSEP (619) will coordinate with NJOEC in reviewing district plans and in validation visits promoting the inclusion of preschool children with IEP's in state funded preschool programs. **(Ongoing Activity: 2005-2006 through 2010-2011)**

- VII. The New Jersey Office of Early Childhood through the **Early Launch to Learning Initiative** provided grants to districts. The Early Launch to Learning Initiative funds were awarded to the districts to support preschool education for four year old low income children. Eligibility for this grant included a requirement to include children with IEP's in the new program. **(Activity: 2005-2006 through 2006-2007)**

NJOSEP (619) will coordinate efforts with New Jersey Department of Health and Senior Services, Early Intervention System in the following areas: the dissemination of information to parents and early intervention staff on inclusion and the research, the importance of preschool curriculum for all students, the alignment of the curriculum to the New Jersey Preschool Teaching and Learning Expectations: Standards of Quality to a curriculum, and the utilization of a early childhood rating scale for classroom improvement and literacy improvement. **(Activity: 2005-2006 through 2006-2007)**

The NJOSEP (619) will continue to work with the Department of Human Services, Early Care and Education Office in the dissemination of information on inclusion to parents and childcare centers. **(Ongoing Activity: 2005-2006 through 2010-2011)\*\*\*\***

- VIII. **National Individualizing Preschool Inclusion Project:** NJOSEP (619) will coordinate with the Office of Early Childhood and the **National Individualizing Preschool Inclusion Project** to establish three regional district sites in state funded early childhood districts. The purpose of the demonstration model sites will be to promote the following critical components: functional intervention planning, integrated therapy and routine-based assessment to other districts **(Activity: 2005-2006 through 2007-2008)**
- IX. **Planning Grants:** NJOSEP (619) will develop cooperative grant agreements that will be offered to local school districts to initiate or continue the process of planning collaborative agreements with community providers or initiating in-district early childhood programs with the intent of including preschool students with disabilities. **(Activity 2006-2007 through 2008-2009)**



**X. State Capacity Building****a. Inclusive Support Options**

**i. Assistive Technology Training, Technical Assistance, and Guidelines:** NJOSEP, through the NJSIG partnership with the New Jersey Department of Human Services, Office of Education, is planning a series of training sessions for local school district personnel focused on the consideration of assistive technology to support the education of students with disabilities in general education sessions. During the 2005-2006 and 2006-2007 school years, teams of school personnel will be trained on “Integration of Assistive Technology in the Educational Process.” Participants will also be invited to attend an Assistive Technology Vendor Fair where they will have an opportunity to learn more about assistive technology devices. The content of the training sessions will be translated into guidelines that will be disseminated to school districts during the 2006-2007 school year. **(Activity: 2005-2006 through 2006-2007)**

**ii. Assistive Technology Technical Assistance Center:** NJOSEP will develop a targeted, competitive Notice of Grant Opportunity for the establishment of an Assistive Technology Technical Assistance Center. It is intended that the services provided by the Center will include, but not be limited to:

- Information and Referral Services
- Equipment Consultations and Demonstrations
- Lending Libraries of Equipment, Adaptive Devices, Augmentative Communication Devices and Toys
- Assistive Technology Workshops and Technical Assistance
- Product and Vendor Information.

The request for proposal will be developed 2005-2006; released no later than September 2006; with an anticipated start date of May 2007. The funding for the Center will be for a thirty-six month period. **(Activity: 2005-2006 through 2009-2010).**

**b. Inclusion Family Institutes and Teleconferences:** NJOSEP, through the NJSIG partnership with the Statewide Parent Advocacy Network (SPAN), will continue to conduct Inclusion Institutes on a regional basis that highlight the benefits of inclusion and provide a forum for discussing implementation issues. Additionally, SPAN, through the NJSIG will organize and implement a statewide teleconference similarly highlighting the benefits on inclusion and examples of effective inclusive practices. **(Activity: 2005-2006 through 2006-2007)**

**IX. Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**

**Indicator #7: Preschool Outcomes (New Indicator)****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development: Indicator #7 – Preschool Outcomes**

Indicator # 7, Preschool Outcomes, was discussed at the first stakeholder meeting held on October 21, 2005. At the meeting, staff from the NJOSEP (619 Programs) presented an overview of the indicator, options and timelines for data collection, and guidance that was being provided through the Early Childhood Outcome Center.

**Stakeholder Input:** There was minimal discussion of Indicator # 7, since the data collection instrument was still being explored and targets would not be set until the APR, February 2008.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: FAPE in the LRE/ Early Childhood Special Education Outcomes**

**Indicator #7:** Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416 (a)(3)(A))

**Measurement:**

A. Positive social-emotional skills (including social relationships):

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by the # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or in c. If a+b+c does not sum to 100%, explain the difference.

B. Acquisition and use of knowledge and skills (including early language/communication and

early literacy):

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by the # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or in c. If a+b+c does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of preschool children who reach or maintain functioning at a level comparable to same-aged peers = # of preschool children who reach or maintain functioning at a level comparable to same-aged peers divided by the # of preschool children with IEPs assessed times 100.
- b. Percent of preschool children who improve functioning = # of preschool children who improved functioning divided by # of preschool children with IEPs assessed times 100.
- c. Percent of preschool children who did not improve functioning = # of preschool children who did not improve functioning divided by # of preschool children with IEPs assessed times 100.

If children meet the criteria for a, report them in a. Do not include children reported in a in b or in c. If a+b+c does not sum to 100%, explain the difference.

**Overview of Issue/Description of System or Process:**

**Description of how data are to be collected so that the State will be able to report entry data in the FFY 2005 APR due February 1, 2007 and targets in the FFY 2006 APR due February 1, 2008.**

**Selection of Data Collection Tool:**

NJOSEP, during the 2005-2006 school year, examined several alternatives for collecting data for Indicator # 7, so that data could be collected and the State would be able to report entry data in the FFY 2005 APR due February 1, 2007.

- In October 2005, NJOSEP conducted a survey of all New Jersey local school districts to determine if a specific assessment tool was being used by a majority of districts that could also serve the purpose of obtaining baseline data for this indicator. The survey results indicated that there was a wide range of assessment tools being used to assess children for eligibility and IEP determinations with no singular tool emerging as the one being used by a majority of the districts.
- NJOSEP also reviewed the materials from the Early Childhood Outcome Center, including the curriculum-based crosswalks and considered using a work sampling method that would necessitate NJOSEP conducting a crosswalk between a variety of curriculum-based tools and

the Indicator requirements. Given the variety of district selected curricula, this option did not seem appropriate.

- Given the comparability of Indicator # 7 for Part B and Indicator # 3 for Part C, NJOSEP also considered coordinating these data collections, using the same instrument. Criteria for the selection of the data collection instrument, proposed by a workgroup from the New Jersey Early Intervention Steering Committee included the following:

## Part C

## Part B (619)

1. Be commercially available.	1. Be commercially available.
2. The domains and scoring should match or crosswalk closely to the Indicators.	2. The domains and scoring should match or crosswalk closely to the Indicators.
3. Be norm-referenced to better answer the data reporting of “comparable to same age peers”.	3. Be norm-referenced to better answer the data reporting of “comparable to same age peers”
4. Be able to replace (if possible) one or more tools currently used by early intervention targeted evaluation teams (TETS) to help determine eligibility.	4. Be able to replace (if possible) one or more tools currently used by district child study teams to help determine eligibility.
5. Have good reliability and validity.	5. Have good reliability and validity.
6. Be able to be administered based on the qualifications currently available on the TETS. Several tests are designed to be administered only by licensed Ph.D.s or social workers. Many of our team members do not fit these criteria.	6. Be able to be administered based on the qualifications specified by the test publishers.
7. Be able (if possible) to serve the needs of EIS and 619, so that EIS exit data would be 619 entry data. This would require a tool that covers at minimum 0-5.	7. Be able (if possible) to serve the needs of EIS and 619, so that EIS exit data would be 619 entry data. This would require a tool that covers at minimum 0-5.

- Based on these criteria, NJOSEP has determined that the Battelle Developmental Inventory 2 edition (BDI-2) will be appropriate to collect data for Indicator #7. This tool was recently cross-walked by the Early Childhood Outcomes Center and considered to be an option for collecting outcome data related to Indicator #7. Further support for the use of the BD1-2 includes: the availability of a Spanish edition; BDI-2 contains new norms; BDI-2 can be adapted to special needs such as visual and hearing impairments; and both hand scoring and computer scoring options are available.

Additionally, indicators to be reported to USOSEP can be met by using the BDI-2 in the following way:

Indicator 7A — Children have positive social relationships The BDI-2 domain of Personal/Social includes sufficient information on adult and peer interaction, self- concepts and social growth to answer the Indicator 7A.

Indicator 7B — Children acquire and use skills and knowledge including language and communication. The BDI-2 domains of Cognition and Communication include sufficient information on expressive and receptive language, attention and memory, concept development, reasoning and academic skills and perceptual discrimination to answer Indicator 7B.

Indicator 7C— Children take appropriate actions to meet their needs. The domains of Motor and Self-help contain sufficient information related to fine motor skills, gross motor skills, personal responsibility and self-care to answer Indicator 7C.

#### **“Entry” Data Collection Process:**

<b>Time-line</b>	<b>Activity</b>
December 2005	Analyze data from Early Intervention to determine the projected number of referrals to districts between January and September 2006
January 2006	Contract with agency or consultants to implement the data collection process  Inform districts of the requirements for Indicator # 7 and implementation issues: purchasing test; parent notification; selection of evaluators, etc.
February 2006	Set up the needed administration and computer system protocols
March 2006	Train the evaluators
April 2006	Evaluations
May 2006	Evaluations
June 2006	Evaluations
July 2006	Evaluations
August 2006	Evaluations
September 2006	Evaluations

#### **Population of Children to be included in the Measurement:**

Incoming 3-year olds, who enter preschool between January 2006 and September 2006, including those transitioning from the Early Intervention System, will be evaluated between April 2006 and September 2006.

#### **Administration of the Test:**

The test will be administered by certified personnel at the district/and or county level.

#### **Training Plan For “Entry” Test Administration and Data Collection:**

In order to collect reliable data that is needed to report on baseline information for the APR due February 2007, evaluators will receive training in the Spring of 2006 (see chart above) on both the instrument (BDI-2) and policies and procedures necessary to ensure accurate and timely data collection.

## Data Entry and Reporting

For each preschool child assessed, the results will be entered into a web-based system on an ongoing basis and NJOSEP will generate monthly reports.

**Baseline Data for FFY 2004 (2004-2005): N/A – Information not required in the SPP due December 2005**

Entry level baseline will be reported in the Annual Performance Plan (APR) to be submitted to USOSEP February 1, 2007. Baseline measures reported in February 1, 2008 will contain entry and exiting data.

**Discussion of Baseline Data: N/A – Information not required in the SPP due December 2005**

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	N/A – Information not required in the SPP due December 2005
<b>2006</b> (2006-2007)	N/A – Information not required in the SPP due December 2005
<b>2007</b> (2007-2008)	N/A – Information not required in the SPP due December 2005
<b>2008</b> (2008-2009)	N/A – Information not required in the SPP due December 2005
<b>2009</b> (2009-2010)	N/A – Information not required in the SPP due December 2005
<b>2010</b> (2010-2011)	N/A – Information not required in the SPP due December 2005

**Improvement Activities/Timelines/Resources - N/A – Information not required in the SPP due December 2005**

**Indicator #8: Parent Involvement (New Indicator)****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #8, Parent Involvement, was discussed with the stakeholder group on October 21, 2005. Debra Jennings, Co-Executive Director of the Statewide Parent Advocacy Network, provided a description of how the parent survey was developed by the National Center for Special Education Accountability Monitoring (NCSEAM) and New Jersey's participation in the piloting of the survey. NJOSEP staff discussed how the survey will be implemented as a means of determining the number of parents who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. Stakeholders were informed that sampling methodology will be used to ensure efficiency while representing the state's student population equitably. The base group of districts selected each year will be those selected for compliance monitoring supplemented by districts that will ensure a representative sample.

**Stakeholder Response:** The stakeholders supported the use of the survey as a means of obtaining information about parent involvement.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: FAPE in the LRE – Parent Involvement</b>
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**Indicator #8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.**

<p><b>Measurement:</b> Percent = # of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities divided by the total # of respondent parents of children with disabilities times 100.</p>
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**Overview of Issue/Description of System or Process:**

**Description of how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due February 1, 2007.**

**Description of the sampling methodology outlining how the design will yield valid and reliable estimates**

NJOSEP will work with a vendor to administer the NCSEAM parent survey in the fall of 2006. The survey includes items drawn from existing survey instruments, research on parent involvement and descriptions of best practices in parent involvement and family-centered services. An item validation study was conducted with parent groups across the nation. The parent survey consists of items measuring four dimensions of parent involvement in special education: schools' efforts to partner with parents; parents' perceptions of the quality of services; impact of special education services on the family; and parent participation in the special education process.

**Sampling Plan**

The target population is parents of students with disabilities eligible for special education and related services or eligible for speech and language services.

Sample: The NJOSEP will work with the vendor to implement a sampling process. A sample of districts will be selected each year for the survey. The base districts will be those selected for compliance monitoring based on a variety of factors. Additional districts will be added for the survey sample to ensure equitable representation of students based on the following parameters of the population:

- Age
- Gender
- Racial/Ethnic designation
- Geographic Region (county)
- Socioeconomic status (determined by eligibility for free or reduced lunch)
- Disability Category
- Educational Placement (according to federal categories)
- Abbott Designation

The vendor will utilize psychometrically sound procedures to calculate the sample size each year based on the size of the population. A minimum of 1/6<sup>th</sup> of all LEAs in the state will be included in the sample each year and each LEA will be included in the sample at least once every six years. If the enrollment of a district increases to exceed 50,000, that district will be included in the sample each year.

A stratified-random sampling method will be used. A random sample of families will be selected from districts with 1000 students receiving special education or more, stratified by specific characteristics, while surveys will be disseminated to all families in districts with less than 1000 students. Sample size will be determined taking sampling error into account.

Data Collection: Hard-copy surveys will be disseminated by mail. The survey will also be available on the NJDOE web site. The survey will be available at a minimum in English and Spanish. In order to address any problems with response rates and missing data, NJOSEP will implement follow up activities including, phone surveys, additional mailings, and web-based surveys, and allow ample time for multiple contacts with non-responders. NJOSEP will work with parents groups statewide to assist in dissemination and identify additional strategies for increasing response rates.

**Baseline Data for FFY 2004 (2004-2005): N/A – Information not required in the SPP due December 2005**

**Discussion of Baseline Data: N/A – Information not required in the SPP due December 2005**



<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	<b>N/A – Information not required in the SPP due December 2005</b>
<b>2006</b> (2006-2007)	<b>N/A – Information not required in the SPP due December 2005</b>  <b>N/A – Information not required in the SPP due December 2005</b>
<b>2007</b> (2007-2008)	<b>N/A – Information not required in the SPP due December 2005</b>
<b>2008</b> (2008-2009)	<b>N/A – Information not required in the SPP due December 2005</b>
<b>2009</b> (2009-2010)	<b>N/A – Information not required in the SPP due December 2005</b>
<b>2010</b> (2010-2011)	<b>N/A – Information not required in the SPP due December 2005</b>

**Improvement Activities/Timelines/Resources: N/A – Information not required in the SPP due December 2005**

## **Indicator # 9: Disproportionality – Child with a Disability** **(New Indicator)**

### **Part B State Performance Plan (SPP) for 2005-2010**

#### **Overview of the State Performance Plan Development:**

The requirements for SPP Indicator # 9, Disproportionality, was discussed at the stakeholder meeting on November 3, 2005. Specifically, NJOSEP staff reviewed the Indicator, Data Source, Measurement, and Instructions for the Indicator and Measurement.

Additionally, the following information was presented to the stakeholder group:

- the State's proposed definition of "disproportionate representation";
- the proposed statistical measures that will be used to target districts for review of policies, procedures, and practices; (Stakeholders were informed that NJOSEP was still reviewing statistical options for targeting districts in order to ensure a valid subgroup size for larger and smaller districts);
- two examples illustrating the application of the statistical measures (one example that applied to a district with a total student enrollment of 1,000 or greater and one example that applied to district with a total student enrollment of less than 1,000;
- the tiered level for reviewing policies, procedures, and practices to determine if disproportionality is the result of inappropriate identification and the criteria for determining the level of review; and
- the requirements for the February 2007 Annual Performance Report.

**Stakeholder Input:** A recommendation was made to include the NCSEAM Parent Survey as one of the protocols used as part of the review of policies, procedures and practices. NJOSEP will follow this suggestion and incorporate the protocol into the review process.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Disproportionality</b>
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**Indicator # 9: Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C)).**

<b>Measurement:</b> Percent = # of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification divided by # of districts in the State times 100.
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#### **Overview of Issue/Description of System or Process:**

**Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due 2/1/07**

The issue of disproportionality is complex and many factors in the educational process need to be reviewed in order to determine if the disproportionality is due to inappropriate identification. In order to

obtain the baseline data required by USOSEP, NJOSEP will use three descriptive statistics and one statistical test of significance to identify those districts that have a level of disproportionality warranting a review of policies, procedures, and practices. Districts will be ranked on the three measures (risk ratio, a comparison of risk rates, and a measure of impact.) Additionally, a statistical measure (e.g. chi-square) will be used to ensure that the disproportionality is statistically significant.

Based on the data analyses, local district will be flagged and then targeted for one of three levels of review of policies, procedures and practices.

The following will be included in the review:

- policies, procedures and practices related to the general education intervention process; and/or
- policies, procedures and practices related to the special education identification, referral, evaluation, and eligibility determination process including protection in evaluation procedures.

The levels of review will include:

**Level I Review:** Self-Assessment Compliance Review of Policies, Procedures, Practices from Identification, Referral, Evaluation, Eligibility Determination, Protection in Evaluation Procedures

**Level II Review:** Self-Assessment Review of Policies, Procedures, Practices related to the General Intervention Process and Compliance Review of Policies Procedures, Practices from Identification, Referral, Evaluation, Eligibility Determination, including Protection in Evaluation Procedures

**Level III Review:** Focused Monitoring Process: Ongoing Oversight by NJOSEP of Self-Assessment Review of General Intervention Process and Compliance Review of Policies Procedures, Practices from Identification, Referral, Evaluation, Eligibility Determination, Protection in Evaluation Procedures (Greatest likelihood of systemic impact of general education – resulting in “significant disproportionality”)

NJOSEP will collaborate with the New York Office for Civil Rights, the Northeast Regional Resource Center, and the New York University Equity Assistance Center regarding the development of protocols for reviewing policies, procedures and practices and the provision of technical assistance to targeted local school districts. Additionally, NJOSEP will continue its partnership with the National Center for Culturally Responsive Education for continued guidance regarding the flagging of districts and the development of protocols for reviewing policies, procedures and practices.

No later than March 2006, NJOSEP will notify districts that they have demonstrated a pattern of disproportionality that warrants a review to determine if its policies, procedures and practices are contributing to the disproportionality. Districts reviews will be implemented between May 2006 and November 2006, in order for NJOSEP to review the self-assessments and conduct on-site verifications, when local districts do not self-identify policies, procedures, and or practices that may be contributing to disproportionality. ***This process will enable NJOSEP to report in the February 2007 Annual Performance Report the “Percent of districts with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification.”***

**Baseline Data for FFY 2004 (2004-2005): N/A – Information not required in the SPP due December 2005**

**Discussion of Baseline Data: N/A – Information not required in the SPP due December 2005**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	Target = 0% as per requirement of USOSEP
<b>2006</b> (2006-2007)	Target = 0% as per requirement of USOSEP
<b>2007</b> (2007-2008)	Target = 0% as per requirement of USOSEP
<b>2008</b> (2008-2009)	Target = 0% as per requirement of USOSEP
<b>2009</b> (2009-2010)	Target = 0% as per requirement of USOSEP
<b>2010</b> (2010-2011)	Target = 0% as per requirement of USOSEP

**Improvement Activities/Timelines/Resources: N/A – Information not required in the SPP due December 2005**

**Indicator #10: Disproportionality – Eligibility Category****(New Indicator)****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

The requirements for SPP Indicator # 10, Disproportionality, were discussed at the stakeholder meeting on November 3, 2005. Specifically, NJOSEP staff reviewed that Indicator, Data Source, Measurement, and Instructions for the Indicator and Measurement.

Additionally, the following information was presented to the stakeholder group:

- the State's proposed definition of "disproportionate representation";
- the statistical measures that will be used to target districts for review of policies, procedures, and practices; (Stakeholders were informed that NJOSEP was still reviewing statistical options for targeting districts in order to ensure a valid subgroup size for larger and smaller districts);
- two examples illustrating the application of the statistical measures (one example that applied to a district with a total student enrollment of 1,000 or greater and one example that applied to district with a total student enrollment of less than 1,000;
- the tiered level for reviewing policies, procedures, and practices to determine if disproportionality is the result of inappropriate identification and the criteria for determining the level of review; and
- the requirements for the February 2007 Annual Performance Report.

**Stakeholder Input:** A recommendation was made by a representative of the stakeholder group to include the NCSEAM Parent Survey as one of the protocols used as part of the review of policies, procedures and practices. NJOSEP will follow this suggestion and incorporate the protocol into the review process.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Disproportionality</b>
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**Indicator # 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. (20 U.S.C. 1416(a)(3)(C).**

<b>Measurement:</b> Percent = # of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification divided by # of districts in the State times 100.
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**Overview of Issue/Description of System or Process:****Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due 2/1/07**

The issue of disproportionality is complex and many factors in the educational process need to be reviewed in order to determine if the disproportionality is due to inappropriate identification. In order to obtain the baseline data required by USOSEP, NJOSEP will use three descriptive statistics and one statistical test of significance to identify those districts that have a level of disproportionality warranting a review of policies, procedures, and practices. Districts will be ranked on the three measures (risk ratio, a comparison of risk rates, and a measure of impact.) Additionally, a statistical measure (e.g. chi-square) will be used to ensure that the disproportionality is statistically significant.

Based on the data analyses, local district will be flagged and then targeted for one of three levels of review of policies, procedures and practices. The following will be included in the review:

- policies, procedures and practices related to the general education intervention process; and/or
- policies, procedures and practices related to the special education identification, referral, evaluation, and eligibility determination process including protection in evaluation procedures.

The levels of review will include the following:

- **Level I Review:** Self-Assessment Compliance Review of Policies, Procedures, Practices from Identification, Referral, Evaluation, Eligibility Determination, protection in evaluation procedures;
- **Level II Review:** Self-Assessment Review of Policies, Procedures, Practices related to the General Intervention process and Compliance Review of Policies Procedures, Practices from Identification, Referral, Evaluation, Eligibility Determination, including protection in evaluation procedures including parent involvement;
- **Level III Review:** Focused Monitoring Process: Ongoing Oversight by NJOSEP of Self-Assessment Review of General Intervention Process and Compliance Review of Policies Procedures, Practices from Identification, Referral, Evaluation, Eligibility Determination, Procedural Safeguards (Greatest likelihood of systemic impact of general education – resulting in “significant disproportionality”).

NJOSEP will collaborate with the New York Office for Civil Rights, the Northeast Regional Resource Center, and the New York University Equity Assistance Center regarding the development of protocols for reviewing policies, procedures and practices and the provision of technical assistance to targeted local school districts. Additionally, NJOSEP will continue its partnership with the National Center for Culturally Responsive Education for continued guidance regarding the flagging of districts and the development of protocols for reviewing policies, procedures and practices.

No later than March 2006, NJOSEP will notify districts that they have demonstrated a pattern of disproportionality that warrants a review to determine if its policies, procedures and practices are contributing to the disproportionality. Districts reviews will be implemented between May 2006 and November 2006, in order for NJOSEP to review the self-assessments and conduct on-site verifications, when local districts do not self-identify policies, procedures, and/or practices that may be contributing to disproportionality. ***This process will enable NJOSEP to report in the February 2007 Annual Performance Report the “Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.”***

**Baseline Data for FFY 2004 (2004-2005): N/A – Information not required in the SPP due December 2005**

**Discussion of Baseline Data: N/A – Information not required in the SPP due December 2005**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	<b>Target = 0% as per requirement of USOSEP</b>
<b>2006</b> (2006-2007)	<b>Target = 0% as per requirement of USOSEP</b>
<b>2007</b> (2007-2008)	<b>Target = 0% as per requirement of USOSEP</b>
<b>2008</b> (2008-2009)	<b>Target = 0% as per requirement of USOSEP</b>
<b>2009</b> (2009-2010)	<b>Target = 0% as per requirement of USOSEP</b>
<b>2010</b> (2010-2011)	<b>Target = 0% as per requirement of USOSEP</b>

**Improvement Activities/Timelines/Resources: N/A – Information not required in the SPP due December 2005**

**Indicator #11 Child Find (New Indicator)****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 11, Child Find, was discussed at the first stakeholder meeting held on October 21, 2005 in the context of the presentation on Indicator #15 (Identification and Correction of Noncompliance), which includes the state special education monitoring system.) At the meeting staff from the NJOSEP presented an overview of the present and future monitoring system and described how the monitoring system will be used to collect data regarding Indicator # 11.

Indicator # 11 was again briefly discussed at the second stakeholder meeting on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator # 11, reporting that it was a new indicator; the baseline data would be obtained through the monitoring process, and the target for the indicator was 100%.

**Stakeholder Input:** Feedback from stakeholders was positive regarding the new monitoring system, specifically the alignment and focus of the system on the federal monitoring priority areas. There was minimal discussion of this indicator since baseline data was yet available and the target was set at 100%.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Effective General Supervision Part B/Child Find</b>
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**Indicator #11: Percent of children with parental consent to evaluate, who were evaluated and eligibility determined within 90 days (New Jersey's established timeline).**

**Measurement:**

- a. # of children for whom parental consent to evaluate was received.
- b. # determined not eligible whose evaluations and eligibility determinations were completed within 90 days.
- c. # determined eligible whose evaluations and eligibility determinations were completed within 90 days.

Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when eligibility was determined and any reasons for the delays.

Percent =  $b + c$  divided by  $a$  times 100.

**Overview of Issue/Description of System or Process:**

**Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due 2/1/07**

In the October 12, 2005 technical assistance teleconference, USOSEP staff members described how the identification of patterns of noncompliance related to this indicator could be used to measure progress towards targets rather than a student level measure. Since New Jersey does not currently have a student-level database, the monitoring system will identify districts where a pattern of delay in eligibility decisions beyond the 90 day timeline exists.



During FFY 2005, data will be collected through the compliance monitoring system. 119 districts and charter schools are being monitored this year. The districts represent the remaining districts from a six-year cycle. They were selected when the current cycle began based on geographic location, size and the extent of persistent and pervasive problems. The districts were required to review initial evaluation timelines as part of self-assessment process which they completed during the 2004-2005 school year. Districts that identified timelines as an area of need were required to identify barriers to compliance in this area and to develop an improvement plan to ensure correction. Results of the self-assessment process are being verified through on-site monitoring visits this year. Monitors will identify districts where timelines are noncompliant, the barriers to compliance and ensure that improvement plans will lead to correction. The range of days of delay will also be reported for each district where noncompliance is identified. Data across districts will be aggregated to identify statewide trends and reported as baseline data in the FFY 2005 SPP.

During FFY 2006, a new monitoring cycle will begin which will include self-assessment and onsite monitoring addressing monitoring priority areas. Approximately 110 districts will be selected representing 1/6 of all districts and charter schools in the state. Districts will be selected for the first year based on size, geographic location and prioritized according to information from complaint investigations, due process hearings and placement data that indicate pervasive problems. Districts will review initial evaluation timelines during self-assessment and results of the self-assessment will be verified during onsite monitoring. The self-assessment must identify barriers to compliance that result in delayed evaluations and improvement strategies must address the identified barriers. Results of the self-assessment will be verified during onsite monitoring and improvement plans for identified areas of need will be reviewed and, if necessary, revised by the districts prior to NJOSEP approval.

**Baseline Data for FFY 2005: Information not required in the SPP due December 2005 -**

Baseline data and targets for this indicator are due in the FFY 2005 APR due February 1, 2007.

**Discussion of Baseline Data: Information not required in the SPP due December 2005 -**

Baseline data and targets for this indicator are due in the FFY 2005 APR due February 1, 2007.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of children with parental consent to evaluate, who were evaluated and eligibility determined within State established timeline*
2006 (2006-2007)	100% of children with parental consent to evaluate, who were evaluated and eligibility determined within State established timeline*
2007 (2007-2008)	100% of children with parental consent to evaluate, who were evaluated and eligibility determined within State established timeline*
2008 (2008-2009)	100% of children with parental consent to evaluate, who were evaluated and eligibility determined within State established timeline*

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<b>2009</b> (2009-2010)	<b>100% of children with parental consent to evaluate, who were evaluated and eligibility determined within State established timeline*</b>
<b>2010</b> (2010-2011)	<b>100% of children with parental consent to evaluate, who were evaluated and eligibility determined within State established timeline*</b>

**Indicator #12: Early Childhood Transition****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #12, Early Childhood Transition, was discussed at the first stakeholder meeting held on October 21, 2005. At the meeting, NJOSEP staff presented an overview of the indicator and provided information regarding data that was currently available and data that needs to be collected through the state system.

**Stakeholder Input:** The target for the indicator is 100% and the issues surrounding data collection were presented. There was little discussion regarding this indicator.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: General Supervision Part B/Effective Transitions**

**Indicator #12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B who have an IEP developed and implemented by their third birthday**

**Measurement:**

- # of children who have been served in Part C and referred to Part B for eligibility determination.
- # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.
- # of those found eligible who have an IEP developed and implemented by their third birthdays.

Account for children included in a but not included in b and c. Indicate the range of days beyond the third birthday when eligibility was determined and reasons for the delays.

Percent = c divided by a-b times 100.

**Overview of Issue/Description of System or Process:** Data for this indicator is taken from the State data system. The New Jersey Department of Health and Senior Services (Early Intervention System) has shared data with the New Jersey Department of Education 619 Program based on the December 1 count. Data is collected for each of the 21 counties in New Jersey. The data for this indicator is generated by the New Jersey Early Intervention System, specifically the service coordinator at the county level.

**Baseline Data for FFY 2004 (2004-2005):**

68% of children referred by Part C prior to age 3, who are found eligible for Part B, and have an IEP developed and implemented by their third birthday.

## Discussion of Baseline Data:

## New Jersey Early Intervention System Data December 2004

## New Jersey Department of Health and Senior Services

10f. Age 3, eligible for Part B	2730
10g. Referred Pt B prior 120 timeline, LEA Not Determined	429
<b>Sub-total (a)</b>	<b>3159</b>
10h. Referred prior 120 timeline, eligibility not known	191
10i. Referred after 120 timeline, eligibility not determined	119
10j. Referred after 120 timeline, eligibility not known	48
10l. Pt. B Eligibility not determined/unknown (other)	475
<b>Sub-total(b)</b>	<b>833</b>
10k. Age 3, not eligible for Pt B, exit w/ no referrals	186
10m. Age 3, not eligible for Part B, Exit with Referral	287
<b>Total=Subtotal (a+b)+10k+10m</b>	<b>4,465</b>

- a. # of children who have been served in Part C and referred to Part B for eligibility determination.

Total: 4,465 Total=Subtotal (a+b)+10k+10m

- b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays.

Total: 473 (10k+10m)

- c. # of those found eligible who have an IEP developed and implemented by their third birthdays.

Total: 2,730 (10f)

Account for children in a (4,465) but not included in b (473) or c (2,730).

Total: 1,262 Children

Category	Number
10g. Referred Pt B prior 120 timeline, LEA Not Determined	429
10h. Referred prior 120 timeline, eligibility not known	191
10i. Referred after 120 timeline, eligibility not determined	119
10j. Referred after 120 timeline, eligibility not known	48
10l. Pt. B Eligibility not determined/unknown (other)	475

**Range of delays beyond the third birthday when eligibility was determined and reasons for delays:** The existing data bases do not include fields that provide specific information regarding the range of delays beyond the third birthday when eligibility was determined or the reasons for delays. NJOSEP had anticipated that the NJSMART, a Department of Education data warehouse would have provided this type of information; however the data system is still under development.

Consequently, NJOSEP will institute an alternate method of data collection through the monitoring system that will be reported in the February 2007 APR.

**Reasons for Delays –** Based on technical assistance activities:

Smaller districts with no district operated program need to place out of district and experience difficulty finding an opening.

Larger state operated early childhood program districts fill to capacity in the fall.

Due process proceeding.

Further evaluations needed.

Working families have difficulties coordinating transportation between district placement and after school child care.

Referral received at the district close to the child's third birthday.

Parent chooses a religious setting or to keep the child home.

Parent decides to wait a year.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100 % Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2006 (2006-2007)	100% Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2007 (2007-2008)	100 % Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2008 (2008-2009)	100% Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2009 (2009-2010)	100% Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.
2010 (2010-2011)	100% Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.

**Improvement Activities/Timelines/Resources:**

**Note:** \*\*\*\* Indicates activity was the result of stakeholder input.

**I. Data Collection and Analyses:**

- a. Range and Reason for Delays:** NJOSEP will develop and implement a data collection system that provides information regarding the range of days beyond the third birthday when eligibility was determined and reasons for delays. NJOSEP will analyze the reasons for delay on an annual basis and determine the need for regional/county level/ district level improvement planning. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**II. Policy and Regulation:**

- a. Proposed Regulations:** On November 2, 2005, the NJDOE proposed several regulatory changes intended to facilitate the early childhood transition. These proposed regulations include:
- district responsibilities at the transition planning conference; and

- district responsibilities to ensure that the early intervention service coordinator is invited to the IEP meeting at the request of the parent.

**b. Implementation of Adopted Regulations:** Following the adoption of the New Jersey Administrative Code a series of training sessions will be conducted to assist in the implementation of the requirements listed above. **(Activity: 2006-2007 through 2008-2009)**

**III. Self-Assessment/Monitoring:** During FFY 2006, a new monitoring cycle will begin which will include self-assessment and onsite monitoring addressing monitoring priority areas. Approximately 110 districts will be selected representing 1/6<sup>th</sup> of all districts and charter schools in the state. Districts will be selected for the first year based on size, geographic location and prioritized according to information from complaint investigations, due process hearings and placement data that indicate pervasive problems. Districts will review compliance indicators related to the transition process. The self-assessment must identify barriers to compliance that result in delayed evaluations, the length of the delay and the reason for the delay. Improvement strategies must address the identified barriers. Results of the self-assessment will be verified during onsite monitoring and improvement plans for identified areas of need will be reviewed and, if necessary, revised by the districts prior to NJOSEP approval. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**IV. Targeted Technical Assistance:** Districts identified as non-compliant for issues related to early childhood transition will be targeted for technical assistance regarding the development and implementation of improvement strategies. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**V. Coordination Across Systems**

- NJOSEP (619) will participate on the Part C Steering Committee and the SICC and provide information on this indicator. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- Coordinate taskforce of Part C and B stakeholders to further define and clarify transition reporting categories. **(Ongoing Activity: 2005-2006 through 2006-2007)**
- Track activities generated from contact from the Early Intervention Systems' Regional Early Intervention Collaboratives in response to the Service Coordination Units. **(Ongoing Activity: 2005-2006 through 2006-2007)**
- NJOSEP (619) will coordinate efforts with New Jersey Department of Health and Senior Services, Early Intervention System to disseminate the revised transition booklet for families and continue joint training regarding the early childhood transition process for families, districts, early intervention providers. **(Ongoing Activity 2005-2006 through 2010-2011)\*\*\*\*\***
- The NJOSEP (619) will continue to work with the Department of Human Services, Early Care and Education Office in the dissemination of information on the early childhood transition to Head Start and childcare. **(Ongoing Activity 2005-2006 through 2006-2007)\*\*\*\*\***

**VII. Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity 2005-2006)**

**Indicator #13: Secondary Transition (New Indicator)****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 13, Secondary Transition, was discussed at the first stakeholder meeting held on October 21, 2005, within the context of the discussion of Indicator 15, which includes the state special education monitoring system (Identification and Correction of Noncompliance). At the meeting staff from the NJOSEP presented an overview of the present and future monitoring system and described how the monitoring system will be used to collect data regarding indicator 13.

Indicator #13 was again briefly discussed at the second stakeholder meeting on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for Indicator 13, reporting that it was a new indicator; the baseline data would be obtained through the monitoring process, and the target for the indicator was 100%.

**Stakeholder Input:** Stakeholders responded positively to the focus of the new monitoring system which will be aligned with the monitoring priority areas. There was minimal discussion of this indicator since baseline data was not yet available and the target was set at 100%.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Monitoring Priority: Effective General Supervision Part B/Effective Transition**

**Indicator #13: Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the postsecondary goals.**

**Measurement:**

Percent = # of youth with disabilities aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals divided by # of youth with an IEP age 16 and above times 100.

**Describe how the data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due February 2007.**

**Overview of Issue/Description of System or Process:**

During FFY 2005, data will be collected through the compliance monitoring system. 119 districts and charter schools are being monitored this year. The districts represent the remaining districts from a six-year cycle. They were selected when the current cycle began based on geographic location, size and the extent of persistent and pervasive problems. The districts were required to review age 16 transition as part of self-assessment process which they completed during the 2004-2005 school year. Districts that identified transition as an area of need were required to identify barriers to compliance in this area and to develop an improvement plan to ensure correction. Results of the self-assessment process are being verified through on-site monitoring visits this year. Monitors will identify districts where transition statements are noncompliant, the barriers to compliance and ensure that improvement plans will lead to correction. Data across districts will be aggregated to identify statewide trends and reported as baseline data in the FFY 2005 SPP.



During FFY 2006, a new monitoring cycle will begin which will include self-assessment and onsite monitoring addressing monitoring priority areas. Approximately 110 districts will be selected representing 1/6<sup>th</sup> of all districts and charter schools in the state. Districts will be selected for the first year based on size, geographic location and prioritized according to information from complaint investigations, due process hearings and placement data that indicate pervasive problems. Districts will review initial transition during self-assessment and results of the self-assessment will be verified during onsite monitoring. The self-assessment must identify barriers to compliance that result in inappropriate or absent transition statements and improvement strategies must address the identified barriers. Results of the self-assessment will be verified during onsite monitoring and improvement plans for identified areas of need will be reviewed and, if necessary, revised by the districts prior to NJOSEP approval.

**Baseline Data for FFY 2004 (2004-2005): N/A – Information not required in the SPP due December 2005.**

**Discussion of Baseline Data: N/A – Information not required in the SPP due December 2005.**

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2006 (2006-2007)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2007 (2007-2008)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2008 (2008-2009)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2009 (2009-2010)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.
2010 (2010-2011)	100% of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the student to meet the post-secondary goals.

**Improvement Activities/Timelines/Resources: N/A – Information not required in the SPP due December 2005.** Improvement Activities/Timelines/Resources for this indicator will be reported as required in the FFY 2005 APR due February 1, 2007.

## Indicator #14: Post-Secondary Transition Outcomes (New Indicator)

### Part B State Performance Plan (SPP) for 2005-2010

#### Overview of the State Performance Plan Development:

Indicator #14, Post-Secondary Transition Outcomes, was discussed with the stakeholder group on October 21, 2005. NJOSEP presented an overview of the SPP requirements for this indicator, including the revised timelines for reporting baseline data, APR, February 1, 2008. Stakeholders were informed that NJOSEP would follow the procedures for conducting the post-school outcome study recommended by the National Center for Post-School Outcomes (NPSO) and that contractual options for implementing the study were being explored (request for proposals to State colleges and universities; individual vendor; part-time employee etc.).

**Stakeholder Response:** One of the stakeholders was familiar with the work of the NCPO and wanted to make sure that NJOSEP staff were familiar with their publications on sampling; provided names of potential vendors; and suggested that student placement be incorporated as a variable in the study.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Effective General Supervision Part B/Effective Transition</b>
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**Indicator #14: Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school.**

<b>Measurement:</b> Percent = # of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school divided by # of youth assessed who had IEPs and are no longer in secondary school times 100.
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**Description of how data are to be collected so that the State will be able to report baseline data and targets in the APR due February 1, 2008.**

**Description of the sampling methodology outlining how the design will yield valid and reliable estimates**

#### Overview of Issue/Description of System or Process:

NJOSEP will follow the guidelines discussed in the document, *Post-School Outcomes for Youth with Disabilities-Establishing a Representative Sample of Your State to Address Indicator #14*, developed by the National Post-School Outcomes Center, for the purpose developing and implementing a sampling methodology that will yield valid and reliable estimates and collecting baseline data as reflected in the sampling plan described below.

**NJOSEP Sampling Plan and Methodology for Post-School Outcome Data Collection:**

- NJOSEP will identify *school districts* as the “unit of selection” in the sampling process;
- NJOSEP will include *all students leaving those districts in the initial statewide sample*; those students will form the respondent group to be queried regarding their post-school experiences;
- Accuracy in sampling will be achieved by sampling school districts, as the distribution of student with IEPs should form a *representative sample* when aggregated statewide;
- All LEAs will be *included at least once* in the data collection over the 6-year period of the SPP;
- NJOSEP will establish a *3% sampling error*, i.e. the sample that is chosen must be representative of the population of the population of interest at a level of error that will be plus or minus 3% -- an error band of 6%;
- The sampling parameters will include:
  - students on IEPs who are entering their last year of high school;
  - students who have exited prior to graduation of that year by dropping out or aging out;
  - disability categories (each of the federal disability categories);
  - age;
  - race/ethnicity;
  - gender;
  - placement according to the federal categories;
  - socioeconomic status (free or reduced lunch);
  - Region (county);
  - Abbott designation.
- NJOSEP will use the *Sampling Calculator* being developed by NPSO, a software system that will read in the complete listing of all New Jersey school districts and will have the capability to receive input on the sampling parameters listed above. The Sampling Calculator software *will select a representative sample reflecting the population of the State at a pre-set confidence level of plus or minus 3%*;
- The representative sample of districts will be contacted by NJOSEP before the end of the 2005-2006 school year. These districts will be required to generate a list of **all school leavers** for the 2005-2006 school year (including drop-outs and students who did not return); obtain contact information for them after leaving high school; and describe the purpose of the follow-up that will be conducted between *April and June, inclusive*;
- NJOSEP will use the data collection protocols developed by NPSO, *Student Exit Survey (SES) and Post-School Data Collection Survey (PDS)*;
- In order to *address any problems with response rates and missing data*, NJOSEP will incorporate a variety of response options into its data collection process (e.g. phone surveys, web-based responses, mail distribution) and provide ample time for multiple follow-up contacts with non-responders). NJOSEP will be proactive in limiting missing data through a series of training and technical assistance sessions with district staff involved in the data collection activities. In addition, follow-up data collection activities will provide for the acquisition of missing data.
- Through the establishment of the 3% sampling error and the use of the NPSO sampling calculator, selection bias should be prevented.

**Baseline Data for FFY 2004 (2004-2005): N/A information not required in the SPP December 2005**

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Discussion of Baseline Data: N/A information not required in the SPP December 2005

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	N/A information not required in the SPP December 2005
<b>2006</b> (2006-2007)	N/A information not required in the SPP December 2005
<b>2007</b> (2007-2008)	N/A information not required in the SPP December 2005
<b>2008</b> (2008-2009)	N/A information not required in the SPP December 2005
<b>2009</b> (2009-2010)	N/A information not required in the SPP December 2005
<b>2010</b> (2010-2011)	N/A information not required in the SPP December 2005

Improvement Activities/Timelines/Resources: N/A information not required in the SPP December 2005

## **Indicator # 15: Identification and Correction of Noncompliance**

### **Part B State Performance Plan (SPP) for 2005-2010**

#### **Overview of the State Performance Plan Development:**

Indicator #15, Identification and Correction of Noncompliance, was discussed at the first stakeholder meeting held on October 21, 2005. NJOSEP staff presented an overview and explanation of the indicator. The presentation included information on the State's procedures related to the compliance monitoring process – both present and future. Data on the current status of districts monitored from 1999-2005 were presented using the categories described below. Sanctions were also described. Details of the proposed monitoring process were presented along with a comparison of the present and future systems.

Additionally, the stakeholders were provided information on the State's procedures related to tracking noncompliance that is identified through complaint investigation. Current data from the 2004-2005 school year were presented to show the number of findings of noncompliance and the number and percentages of corrections completed within one year from identification.

**Stakeholder Input:** Feedback was favorable from the stakeholders. They responded well to the focus of the system which is on the federal monitoring priority areas. Since the target for Indicator 15 must be 100% there was little discussion regarding the target.

***(The following items are to be completed for each monitoring priority/indicator.)***

#### **Monitoring Priority: Effective General Supervision Part B/General Supervision**

**Indicator # 15:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

#### **Measurement:**

A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to monitoring priority areas and indicators.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:

- a. # of findings of noncompliance made related to such areas.
- b. # of corrections completed as soon as possible but in not case later than one year from identification.

Percent = b divided by a times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

C. Percent of noncompliance identified through other mechanisms (complaints, due process hearings, mediations, etc. corrected within one year of identification:

- a. # of agencies in which noncompliance was identified through other mechanisms
- b. # of findings of noncompliance made
- c. # of corrections completed as soon as possible, but in no case later than one year from identification.

Percent = c divided by b times 100

**Overview of Issue/Description of System or Process:****Indicators 15 A. and B.****Noncompliance identified through monitoring process****Monitoring Process: 1999-2006**

The NJDOE monitoring process includes self-assessment by each district and charter school, the development of a district-wide improvement plan to address areas of non-compliance, on-site monitoring by a team from the Office of Special Education Programs, revision of the improvement plan, if necessary, for any area of non-compliance and verification of implementation of the improvement plan by the County Office of Education.

- **Self-Assessment and Improvement Plan Development**

Each year of the six-year monitoring cycle, a selection of districts and charter schools participated in self-assessment and improvement plan development. The process required districts to identify areas of need regarding federal and state special education regulations, barriers to compliance that exist in the district and activities with timelines to eliminate the barriers and achieve compliance. Stakeholders, including parents and community members were required participants in the self-assessment process at the district level. Districts and charter schools were given one year to complete the self-assessment and develop an improvement plan which was to be approved by the district or charter school board of education prior to submission to the NJOSEP. The districts were provided with IDEA-B funds to support self-assessment activities.

In the year following self-assessment, districts receive an onsite monitoring visit to verify findings in the self assessment. Improvement plans are reviewed and reports are generated and disseminated outlining the final findings and results of the improvement plan review. Reports are posted on the NJDOE web site and districts are required to read the summary page of the report at a board of education meeting.

- **Process for Selecting LEAs for Monitoring**

Districts were selected for monitoring for each year of the six year cycle based on size and geographic region and prioritized according to information from complaint investigations, due process hearings and placement data that indicated pervasive problems. Districts with the most significant compliance and placement issues were scheduled for the first year of the monitoring cycle. All districts and charter schools received training in the process prior to their self-assessment year.

- **Technical Assistance and Training**

During the year in which a district or charter school was conducting self-assessment, technical assistance and training were provided by the Bureau of Program Accountability and the Bureau of Program Development. Targeted training addressed educating students in the least restrictive environment and transition to adult life, areas where patterns of noncompliance had been identified. Additionally, each district participates in training by the monitors to assist them in identifying areas of need, identifying barriers to correction, and developing improvement plan activities to remove barriers and achieve compliance. Each district had the opportunity to meet with the monitoring team leader to discuss any questions the district might have regarding the process. Monitoring team leaders were available through phone consultation throughout the self-assessment and improvement plan development process. The final group of districts and charter schools completed their self-assessments and improvement plans during the 2004-2005 school year.

Technical assistance and training, including small group or individualized meetings, are available to receiving schools through the County Offices of Education. Staff in the Bureau of Program Review and Approval also provides technical assistance upon request.

- **Parent Involvement**

As part of the self-assessment process, each district was required to hold a stakeholder meeting and gather information from parents regarding their perceptions of the delivery of special education and related services in the district. Prior to the monitoring visit, a meeting was conducted by the monitoring team with parents in the district to gather additional input. Parents are also surveyed by phone. Parent input is included in each monitoring report in the summary page which is read at a board of education meeting.

- **Data Collection**

NJOSEP collects and maintains data on each district and charter school in order to track statewide patterns of noncompliance and ensure that all districts and charters are monitored during the six year cycle. The results of verification activities are also tracked to ensure timely correction and identify districts where sanctions are warranted.

- **Sanctions**

The NJOSEP instituted a categorical system during FFY 2005 to monitor correction of noncompliance and establish criteria for sanctions. If a district demonstrates pervasive and persistent noncompliance, and is unwilling or unable to achieve correction, the district is categorized as high risk. At a minimum the district receives monthly visits by a monitoring team. Based on results of a statewide verification process that occurred in the spring and summer of 2004, updated correction action plans were developed in the fall of 2004 for districts that are high risk or districts that are potentially high risk. Expedited timelines were defined also. The monitors provide technical assistance, conduct co-training with district staff, provide resource materials and conduct verification activities once technical assistance or training has occurred. Districts that continue to have problems with correction meet with the director, Office of Special Education Programs and the county superintendent and ultimately, funds are directed or withheld.

### **Baseline Data for FFY 2004 (2004-2005): Monitoring**

The attached chart (Attachment 1) lists the number of findings in the monitoring priority areas and the percent of findings of noncompliance corrected within one year. The calculations are as follows:

- A. Percent of noncompliance related to monitoring priority areas and indicators corrected within one year of identification
  - a. # of findings of noncompliance related to monitoring priority areas and indicators: 154
  - b. # of corrections completed within one year: 83
  - Percent =  $83/154 \times 100 = 54.0\%$
- B. Percent of noncompliance related to areas not included in the above monitoring priority areas and indicators corrected within one year of identification:
  - a. # of findings of noncompliance made related to such areas: 196
  - b. # of corrections completed as soon as possible but in no case later than one year from identification 87
  - Percent =  $87/198 \times 100 = 44.4\%$

### **Discussion of Baseline Data:**

During the 2003-2004 school year, 109 districts were monitored. These districts completed a self-assessment during the 2002-2003 school year. Baseline data reflect findings in 77 districts since the remaining districts monitored have had less than 1 year to correct noncompliance from the point of identification.

**For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken - Monitoring**

In order to expedite correction of noncompliance, NJOSEP continues to implement a categorical system tied to specific sanctions for delays in implementation of improvement plans. This system has been utilized to report to the USDOE on all districts monitored during this cycle.

When pervasive and persistent noncompliance has been identified as part of the self-assessment or through onsite monitoring, and the district or charter was unable or unwilling to correct the noncompliance in a timely fashion, the district has been identified as high risk. Sanctions have been imposed including monthly visits by a monitoring team charged with overseeing the implementation of activities to achieve compliance. When a district has failed to achieve compliance, additional sanctions were imposed including a meeting with the County Superintendent, Director, Office of Special Education Programs and Assistant Commissioner and/or the direction or withholding of federal and/or state funds.

Districts categorized as high risk received extensive technical assistance from both the Bureau of Program Accountability and the Bureau of Program Development related to procedures for implementing and ensuring continued compliance with IDEA focusing on areas that have been identified by the USOSEP as monitoring priority areas. During FFY 2004, a monitoring team identified areas that continued to be noncompliant and worked with each high risk district to develop activities designed to correct noncompliance, and expedited timelines for completion of the activities and verification of implementation. Activities included technical assistance and co-training with district staff, revision of procedures for oversight within districts, dissemination of resources that were found to be effective in other districts in the state, re-allocation of district staff, and changes in administrative structure. Procedures were put in place for the monitoring team for each high risk district to review results of complaint investigations conducted in the district and include systemic findings in the district's improvement plan

**Note:** The attachments described below include the number of agencies monitored related to the monitoring priority areas and indicators, and the number of agencies monitored related to areas not included in monitoring priority areas and indicators.

A. Monitoring Findings Related to Priority Areas:

**See Attachment 1 – Table for Indicator 15 A**

Baseline data reflect monitoring of compliance issues related to the priority areas as designated in the related requirements document developed by the USDOE.

**Note 1:** Although a new monitoring system will be implemented, and categorization of monitoring findings will change to better reflect monitoring priorities, the system will continue to track the factors presented in the baseline data.

B. Monitoring Findings Not Related to Priority Areas:

**See Attachment 1 – Table for Indicator 15 B**

Although baseline data is included in the attachment for these findings, the new monitoring system may not include all of the areas included. The APR for 2005 will clearly define the indicators in this category.



**Indicator 15 C.**

**Noncompliance Identified through other mechanisms (complaints, due process, hearings, mediations, etc.)**

**Mediation/Due Process**

The New Jersey Office of Special Education Programs (NJOSPEP) identifies noncompliance with respect to mediation and due process hearings in two ways. Whenever a pattern (number of mediations or due process hearings related to a particular issue in a district) is discerned, the information is conveyed to the regional monitoring team for review of policies and procedures that may affect the number of requests in a district for mediation or due process hearings.

In addition, NJOSPEP enforces the district's compliance with mediation agreements and due process hearing decisions. Parents may request enforcement of a state mediated agreement or a decision of an administrative law judge (ALJ) by writing to the NJOSPEP when the parent believes the district has failed to implement the agreement or decision as written. For agreements, a mediator will be assigned to enforce the agreement. For decisions of an ALJ, a complaint investigator will be assigned to enforce the decision. In each instance the district is required to submit documentation of compliance with the agreement or decision.

Should a district fail to correct the noncompliance after enforcement activities have been conducted, the matter is referred to the Office of the Attorney General for further action. If the district will not comply at this point, the Office of the Attorney General will initiate procedures for a show cause order. A hearing will be conducted in a state court of appropriate jurisdiction.

**Baseline Data****Mediation Enforcement Data**

For the 2003-04 school year, there were seven requests for enforcement of mediation agreements. Data show that three were enforced within the required timeline. The data for the remaining four are incomplete and although the cases are closed, it is not possible to determine whether the noncompliance was corrected within the required timeline. Improvements in the data collection are needed to ensure correction of noncompliance within one year of identification.

**Due Process Enforcement Data**

For the 2003-04 school year, there were 10 requests for enforcement of ALJ decisions. Two requests were not enforced (one was withdrawn; the other was already being enforced through civil action of the petitioner). There were eight enforcements conducted among seven school districts. Of the eight enforcements, six cases of noncompliance were corrected within one year of identification. In the remaining two cases, there were findings of noncompliance. In one district the noncompliance was not corrected within the one year timeline. The remaining case was forwarded to the Office of the Attorney General and is currently being addressed through the courts.

a = 7 agencies where noncompliance was identified

b = 8 cases of noncompliance

c = 6 cases of noncompliance corrected within one year of identification

$6/8 = 75\%$  of enforcement of noncompliance in due process cases was corrected within one year of identification

**Discussion of the Baseline Data**

To determine the 2004-05 baseline of the percentage of noncompliance related to the enforcement of due process cases that was corrected within one year from identification, NJOSEP collected the number of enforcement cases with findings of noncompliance for the 2003-04 school year. (The 2003-04 school year begins July 1, 2003 and ends June 30, 2004.) NJOSEP then identified the date each district was notified of the request for enforcement. NJOSEP calculated the number of days from the date the district was notified to the date the noncompliance was corrected. The percentage was derived by dividing the number of cases closed within one year by the total number of cases.

At present the database is not capable of tracking correction of noncompliance by finding. Rather, the system can only track correction of noncompliance by case. In cases where more than one finding of noncompliance is identified, all findings of noncompliance must be corrected before the database will report that noncompliance has been corrected.

Improvements are needed with respect to the collection and reporting of enforcement data regarding mediation agreements. Such improvements are currently being developed and implemented for the enforcements conducted during the 2004-05 and 2005-06 school years.

**Complaints**

Upon completion of a complaint investigation report, the investigator enters data into the complaint database as to whether the district was determined compliant or noncompliant for each allegation. The NJOSEP has identified 41 different elements related to compliance indicators that are also tracked through the monitoring process. The “common” elements are included within broader topical areas as follows:

- Procedural Safeguards (Notice, Consent, and Independent Educational Evaluations),
- Referral/Identification
- Evaluation/Reevaluation
- Eligibility
- IEP (Development and Implementation)
- Parent Participation
- Placement (LRE, Full Continuum)
- Provision of Related Services
- Extended School Year Services
- Participation in Statewide Assessment
- Student Records
- Transition (Part C to B, Secondary)
- Discipline

In addition to the three full-time complaint investigators, the NJOSEP employs two part-time individuals (one full-time equivalent) to oversee the correction of noncompliance that has been identified through complaint investigation.

These individuals work closely with the regional monitoring teams to share information regarding the identification of noncompliance through complaints and to coordinate corrective actions. The monitoring unit (Bureau of Program Accountability) is notified of districts where repeated noncompliance has been identified in a particular district. Repeated identification of noncompliance of a monitoring priority within a district would trigger joint action that includes conducting onsite reviews and coordinating the implementation of corrective actions. The inability of districts to correct the noncompliance would place a district at risk and may ultimately result in a designation of high risk. When noncompliance is identified in high risk districts, the monitoring unit is notified. Corrective actions that are related to the provision of services to a particular child or group of children are overseen by the complaint investigation unit; while noncompliance regarding systemic and procedural issues is overseen by the monitoring unit.

**Baseline Data for FFY 2004 (2004-2005): Complaint Investigation**

- a = **98 education agencies** in which noncompliance was identified through complaint investigation
- b = **160 cases with findings** of noncompliance
- c = **111 cases** with findings of noncompliance **corrected within one year** of identification
- 111/160 = **69%** of cases of noncompliance **corrected within one year** of identification

For the 2003-04 school year, 365 findings of noncompliance were identified. Each finding was identified according to the common elements. In the priority areas, the following were identified:

TOPIC	#OF FINDINGS	PERCENT OF FINDINGS
Parent Participation	4	1%
Placement in the LRE	5	1.4%
Transition from EIP	4	1.1%
Transition to Post-Secondary	3	.8%
Graduation	0	0%
Statewide Assessment	3	.8%
Discipline	27	7.4%
Implementation of IEP	58	15.9%
Provision of Related Services	42	11.5%

**Discussion of Baseline Data:**

To determine the 2004-05 baseline of the percentage of noncompliance that was corrected within one year from identification, NJOSEP collected the number of cases with findings of noncompliance for the 2003-04 school year. (The 2003-04 school year begins July 1, 2003 and ends June 30, 2004.) NJOSEP then identified the date each report was approved and the date the corrective action plan (CAP) was "closed" for correcting the noncompliance. NJOSEP calculated the number of days from the date the report was approved to the date the noncompliance was corrected. The percentage was derived by dividing the number of CAPs closed within one year by the total number of CAPs. Additionally, the number of education agencies with findings of noncompliance was identified. Finally, the findings of noncompliance were identified by topic for analysis.

At present the database is not capable of tracking correction of noncompliance by finding. Rather, the system can only track correction of noncompliance by case. In cases where more than one finding of noncompliance is identified, all findings of noncompliance must be corrected before the database will report that noncompliance has been corrected. Therefore, it may appear that there are many more instances of noncompliance than correction.

With respect to the open CAPs, the NJOSEP has determined that six districts have four or more open CAPs and account for 21% of open CAPs. While continuing to work towards correcting 100% of identified noncompliance within one year of identification, NJOSEP will continue to work on closing all outstanding CAPs as quickly as possible. NJOSEP will target those districts with four or more open CAPs for immediate intervention.

With respect to the priority areas that were identified as being noncompliant, Parent Participation, Placement in the LRE, Transition from EIP and to Post-Secondary, Statewide Assessment and Graduation account for just 5.1% of all findings of noncompliance identified through complaints. The NJOSEP will continue to work with districts to assure that districts follow all appropriate procedures with respect to these issues.

With respect to the monitoring priority of Discipline, the NJOSEP believes the noncompliance is related to a lack of understanding of the appropriate procedures that districts must implement. NJOSEP has developed materials and provided technical assistance to districts whose policies and procedures were noncompliant and will continue to monitor this area of noncompliance for improvement.

With respect to the non-priority monitoring area of Provision of Related Services, the NJOSEP believes a shortage of staff, including speech-language specialists and school counselors, is contributing to the number of findings in this area. With respect to the shortage of speech-language specialists, NJOSEP amended its regulations in the 2003-04 school year to permit districts to contract for the services of fully certified speech personnel. A decrease in the number of complaints related to the provision of speech-language services is expected. The NJOSEP will continue to monitor this area of noncompliance.

With respect to the non-priority monitoring area of Implementation of the IEP, the NJOSEP will continue to monitor this area to identify barriers which are contributing to the noncompliance.

**For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken - Complaint**

When a district fails to complete corrective actions in a timely manner, the department has depending on the circumstances, provided technical assistance, notified the district board of education of the district's failure to complete the corrective action in a timely manner and arranged for a meeting with the district superintendent and president of the board of education to review and summarize the outstanding corrective actions. In the event this is not sufficient to correct the noncompliance, the department will initiate the process to withhold approval of the district's IDEA grant or delay payment of the funds until the noncompliance is corrected. In the case of a charter school, the same procedures with respect to technical assistance and interaction with the director and board of directors are in place. However, the department has the authority to place the charter school on probation and if necessary, revoke the school's charter. At present, meetings with three district superintendents and board presidents have occurred; one district has been advised that IDEA funding may be withheld and one charter school is on probation. At present, each education agency is making progress towards the completion of the corrective actions. These same procedures would be utilized to ensure that corrective action is completed within one year of identification.

FFY	Measurable and Rigorous Target
<p><b>2005</b> (2005-2006)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>
<p><b>2006</b> (2006-2007)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>

<p><b>2007</b> (2007-2008)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>
<p><b>2008</b> (2008-2009)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>
<p><b>2009</b> (2009-2010)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>
<p><b>2010</b> (2010-2011)</p>	<p><b>A. 100% of noncompliance related to monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>B. 100% of noncompliance related to areas not included in the USOSEP monitoring priority areas and indicators will be corrected within one year of identification.</b></p> <p><b>C. 100% of noncompliance identified through complaint investigation, mediation and due process hearings will be corrected within one year of identification.</b></p>

#### **Improvement Activities/Timelines/Resources:**

##### **I. Implementation of New Monitoring System:**

A new monitoring system will be implemented during the 2006-2007 school year. The system will include self-assessment, development of improvement plans, onsite monitoring visits, public reporting of findings and focused monitoring. The goal of the new system is to focus improvement activities on requirements that facilitate positive outcomes in the areas of placement in the least restrictive environment, access to the general education curriculum, equitable identification of students with disabilities, graduation, and statewide assessment. The system will also include strategies to expedite the identification and correction of noncompliance. Districts will be required to establish timelines for

the timely correction of noncompliance. The new monitoring system will enable NJOSEP to track all monitoring findings by individual compliance issue.

Focused monitoring will be implemented to provide those districts with the most significant problems assistance in identifying barriers and activities to expand placement options and achieve equitable identification of students with disabilities. The Bureau of Program Development and Bureau of Program Accountability will collaborate with a group of districts, selected based on specific data-based criteria, to conduct an in-depth review in the areas of placement in the least restrictive environment and overrepresentation of minority students in special education. Parents will participate on the focused monitoring teams.

A technical assistance document is under development to assist administrators with implementing, and overseeing the implementation of special education regulations. Districts will be provided with guidelines, sample procedures and forms to assist personnel in monitoring the special education process. This should reduce the time spent on paperwork and increase time available for program improvement. Dissemination is scheduled for June 2006 to coincide with the adoption of state regulations that implement IDEA 2004. **(Activity: 2005-2006 through 2010-2011)**

## **II. Complaint Investigation and Mediation/Due Process Enforcement Policy and Procedures**

- a. Establish timelines for CAP activities to ensure that correction of noncompliance identified through complaint investigation is completed within one year of identification. **(Activity: 2005-2006 through 2010-2011)**
- b. Establish timelines for enforcement activities to ensure that correction of noncompliance identified through enforcement activities is completed within one year of identification. **(Activity: 2005-2006 through 2010-2011)**
- c. Identify districts with repeated findings of noncompliance and continue to coordinate with monitoring unit. **(Activity: 2005-2006 through 2010-2011)**

## **III. Data Collection and Analysis**

- a. Track CAPs to ensure compliance with the one year timeline. **(Activity: 2005-2006 through 2010-2011)**
- b. Explore feasibility of modifying the complaint, mediation and due process hearing databases in an effort to track correction of noncompliance by finding. **(Activity 2005-2006)**

## **IV. Training/Technical Assistance**

- a. Identify priority/topical areas that indicate a need for training/technical assistance in an effort to eliminate/reduce the complaints in a particular issue. **(Activity: 2005-2006 through 2010-2011)**

## **V. Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**

*Attachment 1  
Table for #15A*

Monitoring Priority Indicators		Related Requirements	Number within one year of approved improvement plan*	Number of Findings a.	Number Corrected within 1 year b.	Percent of Findings Corrected within 1 year*
#	Indicator					
1. 2.	Percent of youth with IEPs graduating from high school with a regular diploma. Percent of youth with IEPs dropping out of high school.	Transition	71	37	20	54.1
3.	Participation and performance of children with disabilities on statewide assessments.	Participation Documented in IEP	71	15	8	53.3
4.	Rates of suspension and expulsion	Discipline Procedures	71	45	24	53.3
5. 6.	Percent of children with IEPs aged 6 through 21 and preschoolers-educational placements.	LRE Decision making and Continuum of Placements	71	57	31	54.4
8.	Percent of parents with a child receiving special education services who report that schools facilitated parent involvement. <b>NEW INDICATOR NO DATA 2004-2005</b>					
9 & 10 .	Percent of districts with disproportionate representation of racial and ethnic groups in special education. <b>NEW INDICATOR NO DATA 2004-2005</b>					
12 .	Percent of children referred by Part C prior to age 3 who have an IEP developed and implemented by their third birthday.					

## SPP Template – Part B (3)

**New Jersey**

State

Monitoring Priority Indicators		Related Requirements	Number within one year of approved improvement plan*	Number of Findings a.	Number Corrected within 1 year b.	Percent of Findings Corrected within 1 year*
#	Indicator					
13	Percent of youth aged 16 and above with IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable student to meet the post-secondary goals. <b>NEW INDICATOR – NO DATA FOR 2004-2005</b>					
	<b>TOTALS</b>	109	71	154	83	54.0

\*Districts that are within one year of approval of their improvement plan are excluded from the calculation.



*Table for #15B*

Related Monitoring Priority Indicators	Number of LEAs with Findings* a.	Number Corrected within 1 year b.	Percent of Findings Corrected within 1 year*
<b>Parent Involvement</b> <ul style="list-style-type: none"> <li>• Notice of Meeting</li> <li>• Written Notice</li> </ul>	37	21	56.8
<b>IEP</b> <ul style="list-style-type: none"> <li>▪ Meeting participants</li> <li>▪ Required considerations and statements (ESERS / ESLS)</li> <li>▪ Copy of IEP to parents prior to implementation</li> <li>▪ Implementation dates</li> <li>▪ Annual Reviews</li> <li>▪ By June 30</li> <li>▪ Knowledge/access to IEPs</li> </ul>	51	24	47.1
<b>Location, Referral and Identification</b> <ul style="list-style-type: none"> <li>▪ Child Find 3-21</li> <li>▪ Referral Process</li> <li>▪ Pre-referral Interventions</li> <li>▪ Direct Referrals</li> <li>▪ Health Summary</li> <li>▪ Vision and Hearing Screenings</li> <li>▪ ID meetings-Timelines/participants</li> </ul>	16	10	62.5
<b>Evaluation Eligible for Special Education and Related Services (ESERS)</b> <ul style="list-style-type: none"> <li>▪ Multi-disciplinary</li> <li>▪ Standardized Assessments</li> <li>▪ Functional Assessments</li> <li>▪ Bilingual Evaluations</li> <li>▪ Written Reports</li> </ul>	47	16	34.1
<b>Re-evaluation</b> <ul style="list-style-type: none"> <li>▪ 3-year timelines</li> <li>▪ planning meeting/participants</li> <li>▪ Completed by June 30<sup>th</sup> of student's last year in preschool</li> </ul>	45	16	35.6
<b>Total</b>	196	87	44.4

\*Districts that are within one year of approval of their improvement plan are excluded from the calculation.

**Indicator #16: Complaint Timelines****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development: Indicator #16 – Complaint Timelines**

Indicator #16, Complaint Timelines, was discussed at the first stakeholder meeting held on October 21, 2005. NJOSEP staff presented an overview and explanation of the indicator. NJOSEP staff provided an explanation of the complaint system and reviewed relevant data.

**Stakeholder Input:**

There was a discussion with the stakeholders about new procedures that were expected to streamline the complaint investigation process and ensure timely issuance of reports.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: General Supervision/Complaints</b>
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**Indicator #16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.**

<b>Measurement: Percent = (1.1(b) + 1.1(c)) divided by (1.1) times 100</b>
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**Overview of Issue/Description of System or Process:**

The NJOSEP employs 3 full-time complaint investigators, 2 part-time staff (1 full-time equivalent) and one full-time coordinator. The coordinator supervises the complaint investigation process. The investigators identify allegations; conduct fact-finding and write reports that determine compliance/noncompliance and where there is noncompliance, direct corrective action. The part-time employees are responsible for conducting enforcement of due process decisions when the parent alleges the district has failed to implement the decision of an administrative law judge. In addition, the part-time employees are responsible to oversee implementation of the corrective action plans.

New procedures for conducting a complaint investigation have been developed and implemented. These include providing the parent and education agency an opportunity to resolve the complaint, an opportunity for the education agency to acknowledge noncompliance and submit a corrective action plan, and providing the education agency an opportunity to submit a written response to the allegations of noncompliance.

**Baseline Data for FFY 2004 (2004-2005):**

55% of signed written complaints were completed within 60-day timeline or a timeline extended for exceptional circumstances. (See Attachment 1 on Page 103)

**Discussion of Baseline Data:**

On December 31, 2004, 100% of complaints with reports issued were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint. Subsequently, one staff member was promoted and assigned to another work assignment (March 2005) and one staff member resigned to accept another position (May 2005). After recruitment efforts, a full complement of staff was in place as of July 2005.

In addition, efforts were undertaken to review current procedures to ensure that complaint investigations are conducted as efficiently and effectively as possible and to assist in meeting timelines. As a result three new strategies have been implemented:

1. The complainant must now send a copy of the request to the education agency that is the subject of the complaint.
2. The education agency is given an opportunity to respond to the allegations before the fact-finding begins. This strategy assists the investigator in identifying records to be reviewed and key persons to interview, thereby reducing the amount of time spent in preparing for an onsite review.
3. A resolution process (as noted in the APR for FFY 2004) has been implemented. The process has two different options for resolving a complaint:
  - a) If the complaint was filed by the parent, and the complainant and respondent(s) reach an agreement that resolves the complaint, the education agency will forward to the Office of Special Education Programs a signed notice of the complainant's withdrawal of the complaint. If some, but not all, of the issues are resolved, the parties will so notify the OSEP, which may investigate the remaining issues. If the parties do not reach an agreement by the end of the ten-day period, the OSEP will proceed with its investigation.
  - b) The education agency may propose corrective action to address one or more allegations in the complaint. The Office of Special Education Programs may accept or reject the proposed corrective action, or require other corrective actions or time lines to ensure that the education agency is in compliance with respect to the issue(s) raised in the complaint. If, however, the education agency proposes corrective action that ultimately, does not satisfy the NJOSEP, then an investigation will be conducted.

Of 73 complaints to date, 20 were offered early resolution. Of those, 7 were withdrawn, in 1 instance the education agency acknowledged noncompliance and a report was issued. Additionally, 2 education agencies submitted sufficient information as to eliminate the necessity for an onsite review. While it is too soon to determine the full impact, these practices appear to be promising for assisting in meeting timelines.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b>
<b>2006</b> (2006-2007)	<b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b>
<b>2007</b> (2007-2008)	<b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b>

<b>2008</b> (2008-2009)	<b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b>
<b>2009</b> (2009-2010)	<b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b>
<b>2010</b> (2010-2011)	<b>100% of signed written complaints with reports issued are resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.</b>

**Improvement Activities/Timelines/Resources:****I. Monitoring Timelines**

- a. Continue to monitor timelines to ensure timely resolution of complaints. **(Ongoing Activity 2005-2006 through 2010-2011)**

**II. Early Resolution of Complaints**

- a. Continue to utilize strategies detailed above for early resolution of complaints and monitor for effectiveness. **(Activity 2005-2006 through 2010-2011)**

- III. Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity 2005-2006)**

**Indicator #17: Due Process Timelines****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator # 17, Due Process Timelines, was discussed at the first stakeholder meeting held on October 21, 2005. At the meeting staff from the NJOSEP presented an overview and explanation of the indicator. The presentation included information on the State's procedures related to due process hearings, including the changes that became effective July 1, 2005. Current data from the 2004-05 school year was presented to show the number of cases filed and the number of fully adjudicated due process cases held within and outside of the required timeline.

**Stakeholder Input:** Since the target for Indicator 17 must be 100% there was little discussion regarding this indicator.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part B/General Supervision**

**Indicator # 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.**

**Measurement:** Percent =  $(3.2(a) + 3.2(b))$  divided by 3.2 times 100.

**Overview of Issue/Description of System or Process:**

In New Jersey the Office of Administrative Law (OAL) is the agency that hears all due process cases. Data are collected throughout the year by the OAL indicating the number of due process cases transmitted to OAL, the outcome of each case and the timeline for hearing and deciding a case. The New Jersey Department of Education (NJDOE) also maintains a database and inputs the total number of cases filed in New Jersey.

All due process and mediation cases are filed with NJOSEP. All pertinent information (i.e., date received, relief requested, parent/student identifying information, issues, and attorneys) is logged into a database and the case is assigned a specific case number. If mediation is requested NJOSEP immediately gives the folder to the office scheduler who then schedules the mediation date and location.

Pursuant to New Jersey law and code the OAL is the agency responsible to hear all due process cases that are not settled through mediation/resolution session or are directly transmitted for hearing per parent/district agreement. All transmittals are clearly tracked in the office database.

NJDOE and OAL have taken steps to expedite the processing of requests for a due process hearing and completion of due process hearings, with the goal of completing all cases within the 45-day federal time period (including all legal extensions of time). The NJOSEP and OAL implemented a new system for transmittal and processing of requests for a due process hearing to OAL on February 1, 2005. Cases are now transmitted and scheduled for an initial hearing on or about day 10. If additional hearing dates are required, they are scheduled on that initial hearing date and the matter is adjourned to the next hearing date. This system results in early case management by the administrative law judge assigned to the case, with an emphasis on keeping the parties focused on

preparing for and completing the case as quickly and efficiently as possible. Parties are expected to begin their cases on the initial hearing date, and to resolve any discovery, witness or other procedural issues at that time, in order to allow for completion of the hearing on any subsequent hearing day(s) determined necessary to fully hear the matter. This system, with its added emphasis on case management at an early date, should result in a significant reduction of the number of calendar days utilized to complete due process hearings, as well as the number of federal days necessary to complete these cases.

**Baseline Data for FFY 2004 (2004-2005):** In school year 2004-05 there were a total of 848 hearing requests made to the NJDOE. Of those requests, 634 cases were ultimately transmitted to the OAL. Of the 634 transmittals, 255 resulted in settlement agreements and 86 cases were fully adjudicated at OAL. Of the 86 cases, 31 were fully adjudicated within the 45-day timeline and 44 were fully adjudicated within extended timelines. All remaining cases were either withdrawn, settled through mediation, closed or rejected by NJOSEP.

Data collected from the 2004-05 school year shows that 87.2% of fully adjudicated due process hearing requests were fully adjudicated within the 45-day timeline or a timeline that was properly extended. Only 11 of the 86 cases were not fully adjudicated within the appropriate timeline. (See Attachment 1 on page 103.)

**Discussion of Baseline Data:** Of the 86 fully adjudicated cases, 31 were fully adjudicated within the 45-day timeline and 44 were fully adjudicated within extended timelines. Only 11 of the 86 cases were not fully adjudicated within the appropriate timeline. Therefore, in school year 2004-05 a total of 87.2% of fully adjudicated cases were fully adjudicated within the 45-day timeline or a timeline that was properly extended.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2006 (2006-2007)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2007 (2007-2008)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2008 (2008-2009)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2009 (2009-2010)	100% of fully adjudicated Due Process cases will be fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.
2010	100% of fully adjudicated Due Process cases will be fully adjudicated within the

(2010-2011)	<b>45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.</b>
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**Improvement Activities/Timelines/Resources:****I. Data Collection and Analysis**

- a. Approximately 1100 due process and mediation petitions are filed with NJOSEP each year. In February 2005 NJOSEP introduced a new and improved database system to log and track all due process and mediation petitions that are filed. This database is comprehensive, accurate and user friendly. Early data indicates that the new system is adding to the efficiency of the hearing process. The new databases, along with changes initiated as of July 1, 2005 are proving to be effective in assuring parents and districts a timely due process hearing. To date, all cases that were transmitted to OAL (and were fully adjudicated) since February 1, 2005 have been fully adjudicated within the 45-day timeline or extended timeline. If this trend continues, New Jersey will meet its goal of 100% in school year 2005-06. In addition, a staff member from NJOSEP is employed on a full-time basis to immediately address any issues or necessary changes that need to be made ensuring seamless updates to the system. Monitoring and review of the database system will also occur on an annual basis. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- b. Collaboration and monitoring of the new system for processing and hearing due process cases will occur at least four times a year beginning in 2006 through formal meetings with OAL and NJOSEP representatives. **(Ongoing Activity: 2005-2006 through 2010-2011)**

**II. Training**

- a. NJOSEP and OAL have a signed Memorandum of Understanding (MOU) whereby additional funds are annually appropriated to OAL to be used for annual training for all OAL judges. This will ensure that all updates on IDEA are communicated and explained on a regular basis. In addition, judges will be reminded and encouraged to conduct hearings in an efficient manner in order to adhere to the required 45-day timeline. Trainings began in July 2005 and will continue a minimum of one time each year. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- b. Through the MOU with OAL, additional funds are given to OAL each year to hire staff (i.e.: judges and support staff) to further ensure the completions of due process cases within the 45-day timeline. The MOU is reviewed and updated each year. It is anticipated that this will continue throughout the reporting period. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- c. Each year a formal training by an outside consultant is provided to all judges from OAL and all mediators from NJOSEP. Expert information is provided to all participants to ensure knowledge of IDEA and State special education regulations. Funds are appropriated for this activity on an annual basis and it is anticipated that this will continue throughout the reporting period. **(Ongoing Activity: 2005-2006 through 2010-2011)**

## Part B – SPP /APR Attachment 1 (Form)

Report of Dispute Resolution Under Part B of the Individuals with Disabilities  
Education Act Complaints, Mediations, Resolution Sessions, and Due Process  
Hearings

SECTION A: Signed, written complaints	
(1) Signed, written complaints total	306
(1.1) Complaints with reports issued	187
(a) Reports with findings	110
(b) Reports within timeline	99
(c) Reports within extended timelines	3
(1.2) Complaints withdrawn or dismissed	88
(1.3) Complaints pending	31
(a) Complaint pending a due process hearing	28

SECTION B: Mediation requests	
(2) Mediation requests total	557
(2.1) Mediations	411
(a) Mediations related to due process	271
(i) Mediation agreements	85
(b) Mediations not related to due process	140
(i) Mediation agreements	38
(2.2) Mediations not held (including pending)	146

SECTION C: Hearing requests	
(3) Hearing requests total	848
(3.1) Resolution sessions	0
(a) Settlement agreements (at OAL)	255
(3.2) Hearings (fully adjudicated)	86
(a) Decisions within timeline	31
(b) Decisions within extended timeline	44
(3.3) Resolved without a hearing	638

SECTION D: Expedited hearing requests (related to disciplinary decision)	
(4) Expedited hearing requests total	4
(4.1) Resolution sessions	0
(a) Settlement agreements	1
(4.2) Expedited hearings (fully adjudicated)	0
(a) Change of placement ordered	0



**Indicator #18: Hearing Requests Resolved by Resolution Sessions****(New Indicator)****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #18, Hearing Requests Resolved by Resolution Sessions, was discussed at the first stakeholder meeting on October 21, 2005. NJOSEP staff presented an overview and explanation of the indicator. The presentation included information on procedures related to resolution sessions which started as of July 1, 2005.

**Stakeholder Input:**

This is a new indicator and currently there was no baseline data to present to the stakeholders, there was minimal discussion about this indicator. Stakeholder input will be obtained for the establishment of a target for the APR due February 2007.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part B/General Supervision**

**Indicator # 18: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.**

**Measurement:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

**Describe how data are to be collected so that the State will be able to report baseline data and targets in the FFY 2005 APR due 2/1/07:**

**Overview of Issue/Description of System or Process:** As of July 1, 2005 all due process cases that are filed by parents with the New Jersey Department of Education (NJDOE) have the option of holding a resolution session or mediation session. When the cases are filed, the petitioner may indicate in the petition his or her preference for resolution session or mediation. The parent's preference is noted in a log that the Coordinator of Dispute Resolution maintains on a daily basis.

Once a new due process petition is opened by NJDOE, an acknowledgement letter is sent to all parties which states the district's responsibility to offer and coordinate a resolution session or the option that all parties may instead agree to mediation which is arranged through NJDOE. The district has 15 days to contact the parties to arrange and conduct a resolution session.

Preferably, the district notifies NJDOE of its decision to conduct a resolution session or request mediation. Since the district does not always notify NJDOE regarding the resolution session, NJDOE is currently piloting a process whereby on or about day 20 of the 30-day resolution period, a representative

from NJDOE calls the district to see if they have held a resolution session or prefer to schedule mediation (with consent from all parties). NJDOE also calls the parties on day 30 prior to transmitting the case to the Office of Administrative Law (OAL) to see if a resolution was reached.

If a resolution session resulted in a signed agreement by all parties, NJDOE is notified in writing and the case is closed in the database with the outcome listed as “Resolution Agreement.” This will allow NJDOE to track the number of resolution agreements reached each year.

**Baseline Data for FFY 2004 (2004-2005): N/A – Information not required in the SPP due December 2005.**

Data will be collected on a continuous basis throughout the year in order to establish measurable and rigorous targets. Data will be collected through our database system which now allows NJDOE to input the outcome of all resolutions sessions held in the state on a case-by-case basis. If a resolution session resulted in a signed agreement by all parties, NJDOE is notified in writing and the case is closed in the database with the outcome listed as “Resolution Agreement.” This will allow NJDOE to track the number of resolution agreements reached each year.

**Discussion of Baseline Data: N/A – Information not required in the SPP due December 2005.**

FFY	Measurable and Rigorous Target
2005 (2005-2006)	N/A – Information not required in the SPP due December 2005.
2006 (2006-2007)	N/A – Information not required in the SPP due December 2005.
2007 (2007-2008)	N/A – Information not required in the SPP due December 2005.
2008 (2008-2009)	N/A – Information not required in the SPP due December 2005.
2009 (2009-2010)	N/A – Information not required in the SPP due December 2005.
2010 (2010-2011)	N/A – Information not required in the SPP due December 2005.

**Improvement Activities/Timelines/Resources:****I. Data Collection and Analysis**

- a. NJDOE will monitor the number of due process petitions filed where a resolution session is held and settlement is reached. This data will be used to assist in setting the target for the state report. This process began on July 1, 2005 and will continue throughout the reporting period.
- b. NJDOE will continue to implement procedures to call the district/parent on or about day 20 of the 30-day resolution period, a representative from NJDOE calls the district to see if they have held a resolution session or prefer to schedule mediation (with consent from all parties). NJDOE also reaches out to the parties on day 30 prior to transmitting the case to the Office of Administrative Law (OAL) to see if a resolution was reached. This process started in July 2005 and the effectiveness of the process will be reviewed in July 2006. If it is determined that the procedures are efficient and viable then they will continue throughout the reporting period.

**II. Training**

- a. NJDOE will send out additional guidance to all districts and schools regarding resolution sessions. If it is determined that formal training for districts regarding the resolution session are necessary, NJOSEP will organize and provide regional trainings. This process will begin in 2006.

**Indicator #19: Mediation Agreements****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #19, Mediation Agreements, was discussed at the first stakeholder meeting held on October 21, 2005. At the meeting staff from the NJOSEP presented an overview and explanation of the indicator. The presentation included information on the State's mediation and due process procedures and how they have changed since July 1, 2005. Current data from the 2004-05 school year was presented including the number of cases that were filed, the number of mediations held and the percent of agreements that were reached. Recommended targets from NJOSEP were presented to the stakeholder group.

**Stakeholder Input:** A small group activity facilitated by Dr. Kristin Reedy of the NERRC, provided stakeholders an opportunity to have input into a discussion of current beliefs and assumptions related to mediation. The large group was divided into four small groups and was asked to discuss: the NJOSEP's proposed target for the percent of mediations that should result in mediation agreements; determine if they agreed with the proposed target; and if there was not agreement, the target they believed was appropriate.

As a result of the group activity the following "Assumptions/Beliefs" were stated:

- Mediation is a "unique" process and is not a settlement conference.
- A mediator is a neutral party to assist in realistic expectations for both sides.
- The goal of mediation should be to identify mutual interests and shared goals.
- Skill/quality of the mediators/mediation affects ability to "close the deal."
- Mediation should preserve relationships.
- There needs to be more training to encourage collaboration for parents and district personnel.
- There may be an imbalance in mediation because parents have more to lose if no agreement is reached. The districts do not always have a willingness/incentive to resolve the issues.
- Mediation works when both parties are motivated to work together.

A consensus was reached among the group that the overall targets should be higher than those proposed by NJOSEP at the meeting. As a result, staff from NJOSEP reviewed all stakeholder comments and subsequently raised the targets as reflected below.

Several ideas to help improve the mediation process and to aid in attaining the established targets were also discussed and have been incorporated into the Improvement Activities /Timelines/Resources.

***(The following items are to be completed for each monitoring priority/indicator.)***

<b>Monitoring Priority: Effective General Supervision Part B/General Supervision</b>
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**Indicator #19: Percent of mediations held that resulted in mediation agreements.**

<b>Measurement:</b> Percent = (2.1(a)(i) + 2.1(b)(i) divided by (2.1) times 100.
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**Overview of Issue/Description of System or Process:** In school year 2004-05 the NJOSEP received a total of 557 requests for mediation (146 of which were not held, including pending cases). The requests are logged in to the office database and are separated by mediations and mediations related to due process. All files for mediation are immediately given to the office scheduler who in turn calls both parties and schedules the mediation session within approximately 10 days.

When the mediation occurs and a settlement agreement is reached the mediator will write the agreement with the parties and both parties will sign the agreement form which in turn becomes a binding and enforceable agreement. The case is then closed by the mediator in the database. The case file is held in an NJOSEP file for approximately six months at which time it is transferred to storage.

**Baseline Data for FFY 2004 (2004-2005):** In school year 2004-05 a total of 557 mediation requests were filed with NJOSEP. Of the requests, a total of 146 were not held and/or are pending. Out of the 557 mediation requests 411 mediations were held. Of those, 271 were mediations related to due process and 140 were mediations not related to due process. Of the 271 mediations related to due process, 85 resulted in mediation agreements. Of the 140 mediations not related to due process, 38 resulted in mediation agreements. This translates to 30% of mediations held in FFY 2004 resulted in a mediation agreement. (See Attachment 1 on Page 103.)

**Discussion of Baseline Data:** Baseline data used to establish NJOSEP targets was compiled by looking at the last three years of data, including 2004-2005 data. Over that time the rate of mediation agreements varied from 31% (school year 2002-2003) to 36% (school year 2003-04) to 30% (school year 2004-05). NJOSEP is setting its target slightly higher than the current levels due to the belief that the mediator must remain a neutral party in the discussions and he/she should not be pressured or expected to reach an agreement. Therefore, if the target is too high there may be direct or indirect pressure on each neutral mediator to settle a matter in a way that may not be beneficial to the parties.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>32% of mediations held will result in mediation agreements.</b>
<b>2006</b> (2006-2007)	<b>34% of mediations held will result in mediation agreements.</b>
<b>2007</b> (2007-2008)	<b>36% of mediations held will result in mediation agreements.</b>
<b>2008</b> (2008-2009)	<b>38% of mediations held will result in mediation agreements.</b>
<b>2009</b> (2009-2010)	<b>40% of mediations held will result in mediation agreements.</b>
<b>2010</b> (2010-2011)	<b>42% of mediations held will result in mediation agreements.</b>

**Improvement Activities/Timelines/Resources:**

**Note: \*\*\*\* Represents Improvement Activities Suggested by Stakeholders**

**I. Data Collection and Analysis**

- a. In February 2005 NJOSEP introduced an improved database system to log and track all due process and mediation petitions that are filed. This system is comprehensive, accurate and user friendly and allows each mediator to more fully capture the issues to be discussed at the mediation. Annual maintenance and evaluation of the database system will occur to ensure accurate reporting of all data. **(Ongoing Activity: 2005-2006 through 2010-2011)**
- b. The NJOSEP will develop an evaluation tool to gauge participant's perspective of each mediation session. This will be a voluntary evaluation that each mediator will bring and distribute to all participants at each mediation session, both settled and not settled. The evaluation will include questions which will enable NJOSEP to monitor both positive and negative and suggested comments about the mediation process. Each evaluation will contain an addressed and stamped return envelope to encourage feedback from all parties in a timely manner. **(Activity: 2005-2006) \*\*\*\***
- c. The evaluation tool will be implemented during the 2006-2007 fiscal year and the results will be analyzed twice during the year to inform changes, if needed, to the mediation process. NJOSEP will determine the usefulness of the evaluation tool, and if found to be effective, will continue to use it on an ongoing basis. **(Ongoing Activity: 2006-2007 through 2010-2011)**

**II. Scheduling of Mediations**

- a. NJOSEP employs a full-time staff member who is responsible for scheduling all mediations in a timely manner. Additionally, parties will frequently call and speak to a mediator to gain a full understanding of the mediation process and the role of the mediator. Both the timely response to the mediation request and clarification regarding the mediation process are intended to put the parties at ease before entering the mediation room and contribute to a climate that may lead to more mediation agreements. **(Ongoing Activity 2005-2006 through 2010-2011)**

**III. Professional Development for NJOSEP Staff**

- a. Professional development of all mediators is a continuous focus of NJOSEP. All mediators are required to attend three-day training in Atlanta, Georgia sponsored by the Justice Center of Atlanta. Additional professional development activities are encouraged and supported by NJOESP throughout the year. **(Ongoing Activity 2005-2006 through 2010-2011)**
- b. Each year a formal training by an outside consultant is provided to all judges from the Office of Administrative Law (OAL) and all mediators from NJOSEP. Expert information is provided to all participants to ensure knowledge of IDEA and state special education regulations. Funds are appropriated for this activity on an annual basis and it is anticipated that this will continue throughout the reporting period. **(Ongoing Activity 2005-2006 through 2010-2011)**
- c. All policy guidance issued to districts and stakeholders is also provided to each mediator. Meetings are held with the mediators to review the guidance and answer any questions pertinent to mediation. **(Ongoing Activity 2005-2006 through 2010-2011)**
- d. Regular staff meetings are held with all mediators. An increased effort will be made by NJOSEP to include presentations and discussions on specific topics related to special education and mediation. **(Activity 2006-2007 through 2010-2011)**

**IV. Professional Development/Information Dissemination for School Personnel and Families**

- a. NJOSEP, as part of its New Jersey State Improvement Grant partnership with the Statewide Parent Advocacy Network, is developing a train the trainer workshop focused on Parent/Educator Collaboration. The workshop is being designed to: (a) increase awareness of key behaviors that facilitate effective communication and collaboration; (b) increase common understanding of students' needs relative to IEP development; (c) provide tools and strategies that facilitate ongoing parent/educator collaboration before, during and after the IEP development; and (d) foster positive attitudes about home/school partnerships. Additionally, participants will have the opportunity to develop a district plan for increasing parent/educator collaboration and communication. **(Activity: 2005-2006 through 2006-2007)**

This type of professional development is consistent with stakeholder comments regarding the need for "better communication between parties" and "a proactive approach to address the need for better communication in order for parties to work well together to prevent the need for mediation as well as during and after mediation." **(Ongoing Activity: 2005-2006 through 2010-2011) \*\*\*\***

- b. The NJOSEP is researching a pilot program on IEP facilitation. **(Activity: 2005-2006)**
- c. The NJOSEP regularly reviews, revises and disseminates its Parental Rights In Special Education (PRISE) document to ensure that it is clear and informative to all parents. The document is also posted on the Department's website. **(Ongoing Activity 2005-2006 through 2010-2011)**

- V. Future Planning Activities:** NJOSEP will reconvene the stakeholder group in April/May 2006 to: (a) review the most recent data; (b) discuss the status of current activities, and determine if additional strategies should be considered to reach the targets set in the 2005 State Performance Plan. **(Activity: 2005-2006)**

**Indicator #20: State Reported Data****Part B State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

Indicator #20, State Reported Data, was discussed at the second stakeholder meeting held on November 3, 2005. NJOSEP staff presented an overview of the SPP requirements for the indicator and indicated that the required target was 100%.

**Stakeholder Input:** There was minimal discussion regarding this indicator.

*(The following items are to be completed for each monitoring priority/indicator.)*

<b>Monitoring Priority: Effective General Supervision Part B / General Supervision</b>
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**Indicator #20: State Reported Data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.**

<p><b>Measurement:</b> State reported data, including 618 data and annual performance reports, are:</p> <ul style="list-style-type: none"> <li>a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, placement; November 1 for exiting, discipline, personnel; and February 1 for Annual Performance Reports); and</li> <li>b. Accurate (describe mechanisms for ensuring accuracy).</li> </ul>
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**Overview of Issue/Description of System or Process:**

**Data Submission Timelines** - All state reported data including 618 data and annual performance reports were submitted in a timely manner during the 2004-2005 school year. To ensure that New Jersey's 652 districts submit their data to NJOSEP in a timely manner, the following steps were taken:

- Clarifying of directions to districts regarding the Exiting, Personnel, Child Count, and Discipline counts with clear and concise timelines for them to follow;
- Ensuring prompt phone response from NJOSEP staff to questions and technical problems that occurred while districts were preparing their online data submission; during the actual data submission; and after the data submission to NJOSEP;
- Providing local school districts with strict instructions that specify the data submission deadlines and penalties for those districts not adhering to these deadlines;
- Tracking district submissions and providing follow-up phone calls and/or written correspondence to districts that appear in jeopardy of missing important deadlines.

**Data Accuracy** – The online submission of data from New Jersey's 652 districts must pass a series of edit checks to ensure the data received from each district is accurate and complete. This means



that users of the system, at each district, must submit their data without errors. There is an array of multiplication and logic checks that must be satisfied before the system will accept and ultimately allow users to submit their data. Users who are unable to submit their data due to errors must then call NJOSEP for online technical support.

Once NJ OSEP has received the data, staff will use a series of programs to further check for year-to-year inconsistencies. Districts with substantial changes are contacted and asked to either, verify, correct, and or resubmit their data. In addition, districts that are monitored during the year receive summary versions of their data in the form of a three year district profile.

Additionally, progress has been made towards the development and implementation of a Department of Education student level database. A vendor has been selected and statewide assessment data are being entered into the system. Other data will be added to the system and districts will be advised of the information that must be provided. It is anticipated that a student level database will provide an opportunity for a greater level of accuracy in all statewide data collections including annual data required under the IDEA 2004.

#### **Baseline Data for FFY 2004 (2004-2005):**

**Data Submission Timelines:** 100% of state reported data was submitted to USOSEP on or before due dates.

**Data Accuracy:** Based on the current edit checks, 100% of annual data collected by NJOSEP is accurate.

#### **Discussion of Baseline Data:**

**Data Submission Timelines:** The steps described above to ensure timely submission of data have proven very effective, resulting in 100% of all districts submitting their required data well within the due dates for the various data collections. The timely submission of district data, in turn, has afforded NJOSEP sufficient time to review the data submissions, contact districts to correct errors or inconsistencies, and analyze and submit APR and 618 data to the USOSEP in a consistent and timely manner.

**Data Accuracy:** The electronic edit-checks that are built into the NJOSEP database for collecting special education data are currently a first-level accuracy check for data submitted by districts. According to these built-in checks that ensure annual submission accuracy as well as year-to-year submission consistency, by district, 100% of the annual data collected by NJOSEP is accurate.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	100% of state reported data are submitted in a timely and accurate manner.
2006 (2006-2007)	100% of state reported data are submitted in a timely and accurate manner.

<b>2007</b> (2007-2008)	<b>100% of state reported data are submitted in a timely and accurate manner.</b>
<b>2008</b> (2008-2009)	<b>100% of state reported data are submitted in a timely and accurate manner.</b>
<b>2009</b> (2009-2010)	<b>100% of state reported data are submitted in a timely and accurate manner.</b>
<b>2010</b> (2010-2011)	<b>100% of state reported data are submitted in a timely and accurate manner.</b>

**Improvement Activities/Timelines/Resources:****I. Data Verification**

While NJ OSEP is able to ensure data accuracy upon submission of the data, at the district level, further strategies will be explored to drill down to the district-level and clarify the accuracy of data that districts report. NJ OSEP is considering the development of a protocol using sampling to verify data accuracy reporting at the district level. **(Activity: 2005-2006 through 2006-2007)**

NJOSEP will continue to collaborate with other units within the department that are responsible for developing and implementing a statewide student-level database. **(Ongoing Activity: 2005-2006 through 2010-2011)**